

109
H.R. 1756, THE DEPARTMENT OF COMMERCE
DISMANTLING ACT

Y 4. SCI 2:104/40

H.R. 1756, The Department of Commer...

MARKUP

BEFORE THE

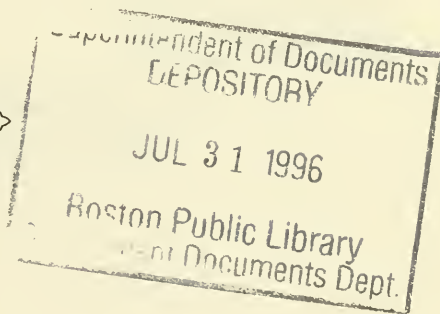
COMMITTEE ON SCIENCE
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED FOURTH CONGRESS

FIRST SESSION

SEPTEMBER 14, 1995

[No. 40]

Printed for the use of the Committee on Science



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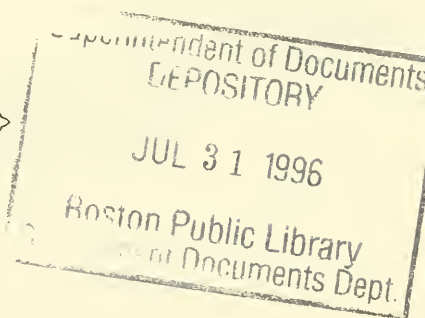
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FULL COMMITTEE MARKUP—H.R. 1756, THE DEPARTMENT OF COMMERCE DISMAN- TLING ACT

THURSDAY, SEPTEMBER 14, 1995

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC.

The committee met, at 1:15 p.m., in room 2318 of the Rayburn House Office Building, the Honorable Robert S. Walker (chairman of the committee) presiding.

The CHAIRMAN. Good afternoon.

Pursuant to the notice, the Committee on Science is meeting today to consider the following measure, H.R. 1756, the Department of Commerce Dismantling Act.

The Chair would ask unanimous consent for the authority to recess.

[No response.]

The CHAIRMAN. I also then would go on to—without objection?

[No response.]

The CHAIRMAN. I am going to also do a short opening statement here. I would remind members that under the Rules, that both majority and minority are limited to five minutes for opening statements, and we are going to try to hold the speeches to the minimum so that we can do this expeditiously today.

Today we will mark up H.R. 1756, the Department of Commerce Dismantling Act. This is an important step in the process of beginning to restructure the Executive Branch of government to be a more rational, forward looking and streamlined institution.

When adopting the budget resolution, the House endorsed this particular position. In this Committee, we have been assigned the task of making sense of what happens to the scientific agencies after the dissolution of the Department.

I have proposed in a substitute that is before you the creation of a new United States Science and Technology Administration which will provide a home for the agencies within our Committee's jurisdiction.

By so doing, we are preserving our essential basic science assets which provide the foundation for a strengthened scientific establishment.

I would recognize Mr. Brown for any opening statement that he might have.

Mr. BROWN. Thank you very much, Mr. Chairman, and I will try and emulate your brevity.

At the outset of today's markup, I would like to acknowledge some of the good and positive things that you have done in addressing our responsibilities for H.R. 1756.

Indeed, I want to express some empathy for you in the difficult task that you were given as Chair of this Committee.

I refer to the profoundly misguided directive from your leadership to eliminate the Department of Commerce as a political trophy.

The impression I was left with following the hearing last Tuesday was that, with the exception of the bill's author, there is almost no support for the approach outlined in the Chrysler bill.

The idea of selling off some of our most important research laboratories, dissolving NOAA, and so on borders on lunacy.

Thus, you are faced with the difficult task of damage control. This boiled down to a bureaucratic form of the old game of Twister as you search for a good place for NOAA and NIST to land.

The Department of Commerce was gone, the Department of Energy was going, and the Department of Science was evidently not to be. I thus commend you for doing the right thing and trying to keep these agencies intact in your substitute amendment.

Although I believe that your approach is far superior to the base text, I will also be compelled to vote against it since it is based on a faulty premise that we have something that is broken and needs fixing.

No one has shown any evidence whatsoever that we will have a more cost-effective or more efficient government as a result of this bill. The burden of proof simply has not been met.

However, it might have been possible to come up with an alternative to the Chrysler bill that improved U.S. Government functioning in standards activities and in NOAA activities if you had used the expert opinion available to you inside and outside the government, but you did not.

We have seen the repeat of a very unfortunate situation where your substitute proposal was not even available to the witnesses or to the Committee membership during the hearing process.

The Committee cannot do its work if it is kept in the dark for months and then expected to perfect important legislation in just one day.

What we are left with is legislation that is a complete disconnect from the extensive streamlining already undertaken by the Department of Commerce in the RIGO process and a bill that may do more harm than good.

Now, Mr. Chairman, this Committee has not always worked in that fashion. Most of what we have done in the past years and decades actually has been done on a largely bipartisan basis. And I have, in my statement, some detailing of how many of the Acts that we are dismantling were done by bipartisan cooperation in both the House and Senate, and I would hope that we could continue at some point in the future with that kind of thing.

But it has not been the case.

I mentioned during the hearings on Tuesday that we have gone over most of the situation involving privatizing some of the agencies, such as the National Technological Information Administra-

tion, and we had decided previously and based upon all the testimony that that was not feasible.

We are revisiting that.

We are about to make a lot of mistakes, Mr. Chairman, and I regret it very much. And, as I say, I have a great deal of sympathy for your responsibility in this regard.

I ask unanimous consent to revise and extend my remarks.

[The opening statements of Mr. Brown, Mr. Hayes, and Ms. Jackson-Lee follow:]

Statement of the
Honorable George E. Brown, Jr.
at the Markup of
the Commerce Department Dismantling Act
September 14, 1995

At the outset of today's markup, I would like to acknowledge some of the good and positive things that Chairman Walker has done in addressing our responsibilities for H.R. 1756. Indeed, I also want to express some empathy for him in the difficult task that was given to the Committee. I refer to profoundly misguided philosophy that the Republican leadership has followed in targeting the Department of Commerce for a political trophy.

The impression I was left with following the hearing last Tuesday was that, with the exception of the Bill's author, there was almost no support for approach outlined in the Chrysler bill. The idea of selling research laboratories, dissolving NOAA and so on borders on lunacy.

Thus the Chairman was faced with a difficult task of "damage control". This boiled down to a bureaucratic form of the old game "Twister" as the Chairman searched for a good place for NOAA and NIST to land. The Department of Commerce was "gone", the Department of Energy was going, and the Department of Science was evidently not to be.

I then commend the Chairman for doing the right thing in trying to keep these agencies intact. My main criticisms are that he did not go far enough and that he compounded his problems by trying to go it alone. The real issue here is that, not only did the parts of H.R. 1756 in our jurisdiction not make sense, none of the bill makes sense. There is no cost savings, no public policy benefit, no management efficiency, and no good reason at all to support this bill. I intend today to oppose this bill. Although I believe the Chairman's approach is far superior to the base text, I will also be compelled to vote against it since it is based on a faulty premise that we have something that is broken and needs fixing.

No one has shown any evidence whatsoever that we will have a more cost effective or more efficient government as a result of this bill. The burden of proof simply has not been met.

However, it might have been possible to come up with an alternative to the Chrysler bill that improved U.S. government functioning in standards and NOAA activities if the Chairman had used the expert opinion available to him inside the government and out, but he did not. We have seen the repeat of a very unfortunate situation where the Chairman's proposal was not available to the witnesses or the committee membership during the hearing process. The committee cannot do its work if it is kept in the dark for months and then expected to perfect legislation in just one day. What we are left with is legislation that is a complete disconnect from the extensive streamlining already undertaken by the Department of Commerce in the REGO process and a bill that does more harm than good.

We have not always worked this way. Anyone who knows our Committee's history will remember how we have carefully and bipartisanship drafted legislative proposals, brought in a variety of expert witnesses, revised our legislation in reaction to that testimony, and often written statutes which have stood the test of time. Let me cite a few examples.

The Federal Technology Transfer Act was an amalgamation of the legislative proposals of the Republican leaders of both Houses, the Reagan Administration Commerce Department, and Democratic Representative Stan Lundine. This legislation went through a number of staff drafts during 1984; work began in earnest on it in 1985. The Committee held two days of Washington hearings plus a day of hearings in Oak Ridge and a day in Albuquerque, which were then represented by a senior Democrat and a senior Republican on our Committee. Bob Michel, then the House Republican leader, and three of his constituents testified as a panel. Congressional Democrats and Republicans along with Commerce Department representatives spent five months working out all differences and when we moved the bill through the Congress we did not have a single member vote against the bill in committee or on the floor, in the House or in the Senate. The Chrysler bill repeals parts of that bill, but no witnesses were called to discuss those provisions. We now face an amendment today by a Republican member to reverse this damage.

In the 100th Congress, Congressmen Walgren and Boehlert bipartisally introduced the National Quality Improvement Act. This also was a time when we had a President of one party and a Congress of the other. We worked out problems carefully, were able to move the bill on the suspension calendar in the House and Senate, and developed a bill that President Reagan was happy to sign. This is the first Congress in memory that the Committee has called no witnesses on quality, yet we are being asked to vote changes in this Act.

During that same time period this Committee was a major bipartisan player in the Omnibus Trade and Competitiveness Act. We had extensive hearings, including a four day series which was kicked off by Congressman Don Ritter, a Republican from Pennsylvania who was my co-author on the Advanced Technology Program. Claudine Schneider, a Republican from Rhode Island, added the clearinghouse provision we are repealing today. Sherry Boehlert's manufacturing proposals were also included. Today, after a fraction of the thought that went into creating these programs, we are being asked to repeal each of these programs. We will consider a Republican and a Democratic amendment to add them back in.

Privatization of the National Technical Information Service was the subject of two full days of hearings that Congress. We decided against it and voted out legislation to make NTIS a Federal Corporation. The Chrysler bill would privatize NTIS and we will consider a Republican amendment to reverse Chrysler.

You do not have to be a rocket scientist to detect a pattern here. When the Committee has prepared carefully and bipartisally and worked in advance with the Senate and the Administration, we have been very successful in enacting legislation. When we short-circuit the hearing process, regular procedure, and the interests of the Committee membership, we will pile up bill after bill that are of no interest to the Senate and the President. This, in my opinion, is not legislating. We have heard a great deal about mandates this year and quite frankly the rhetoric is wearing thin. The voters of my district made a choice, as did the voters of every Congressional district. The voters of the nation made a choice when they elected President Clinton. Every one of us has the mandate to represent our constituents to the best of our abilities. None of us can do this if we do not take the time to reason together.

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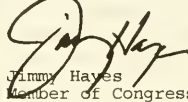
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Congress of the United States

House of Representatives

Washington, DC 20515-1807

September 14, 1995



Jimmy Hayes
Member of Congress

COMMITTEE ON
SCIENCE
SUBCOMMITTEE
RANKING MEMBER
ENERGY AND ENVIRONMENT
COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEES
WATER RESOURCES AND ENVIRONMENT
AVIATION

Opening Statement of Congressman Jimmy Hayes (D-LA)
regarding the mark up of H.R. 1756,
the Department of Commerce Dismantling Act of 1995

Our founding fathers recognized the profound impact that the activities associated with the movement of commerce would have on the lives of every American. "The Commerce Clause" is one of the cornerstones of our Constitutional responsibility in Congress and epitomizes our need today to define, or in this case, redefine, the federal government's appropriate role in overseeing the movement of and promotion of commerce and our nation's place in the global marketplace.

It is in this light that I have examined H.R. 1756, the Department of Commerce Dismantling Act of 1995.

As the Committee and the Congress are well aware, and as my voting record demonstrates, I have made getting our fiscal house in order and eliminating the federal budget deficit among my top priorities. With limited fiscal, natural, and human resources available, we as a nation must decide how most efficiently to allocate those resources. I have voted to cut wasteful programs including those in the Department of Commerce. Clearly, there are many duplicative and unnecessary functions that the Department of Commerce now performs that should be reformed, streamlined, or abolished. In doing so, however, we must ensure that these changes are accomplished and implemented in a fashion that yields a budgetary savings and results in the delivery of more effective services to the public. In its current form, I am unconvinced that H.R. 1756 does either -- will disassembling the Department of Commerce, rather than simply streamlining, reforming, and abolishing certain programs under its jurisdiction, save money?

There are several issues that are of particular interest to me. First of all, the programs of the National Oceanic and Atmospheric Administration (NOAA), both wet and dry, are tremendously important to my State of Louisiana. Although their regulatory functions are often a great source of frustration and heartburn for me and especially shrimpers in my District, research conducted by the National Marine Fisheries Service

NMFS) on fisheries assessments as well as wetlands restoration and mitigation provides invaluable information to ensure the preservation and appropriate management of our natural resources in Louisiana.

In addition, Louisiana's geographic location and low-lying topography makes us especially susceptible to natural disasters. The National Weather Service advanced warning system is critical to guaranteeing the safety and livelihoods of many South Louisiana residents.

I am uncertain whether service will improve under NOAA or a more efficient government would result either under H.R. 1756 or the Chairman's substitute. The aforementioned programs, along with the Sea Grant program and Technology Administration programs of NIST should be meticulously and thoroughly analyzed, not haphazardly shuffled. When the information clearly shows what the most prudent course of action to take is, where the savings will come from and how to realize them, then and only then should we act.

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

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Congress of the United States
House of Representatives
Washington, DC 20515

Committee on Science

United States House of Representatives

Hearing on Restructuring the Federal Scientific Establishment:

Dismantling the Department of Commerce

September 12, 1995

Opening Statement Made by Congresswoman Sheila Jackson Lee

In the days since the 104th Congress began its work, it has become ever clearer that my esteemed Republican colleagues have come, not to legislate, but to hunt. They seem to perceive all government programs, departments and entities, regardless of function, as prey to be destroyed or emaciated to the point of near-death. They offer not, well considered and thoughtful solutions, but instead simplistic policies. We are discussing both today and Thursday, not only what is to happen to the programs, people and facilities of NIST and NOAA, but more fundamentally, the philosophy that indeed, government has a special responsibility and place in the society and lives of its citizens.

24 Nobel laureates have signed a letter, stating the essential role and nature of the NIST laboratories to both government and

industry. These learned men agree that these valuable national assets have saved the nation billions of dollars annually through the results of their activities. I believe it would behoove this committee and this country to listen to the opinions of such people. People who are not concerned with either budget-cutting trophies or the ideological consideration, but instead the interests of science.

During the Reagan administration, several attempts were made to privatize the NTIS. It has been well documented that no commercial entity could be found to assume its responsibilities. Yet, here we are again, approximately five years later, going through the same exercises and doomed to come to the same conclusions. An often stated principal of government is that it should be held responsible for how the taxpayers money is spent. The NTIS disseminates the results of taxpayer sponsored research and activities. Allowing a private entity to then resell this information to the same public that paid for it seems to me to be unfair and unacceptable.

These are but two examples of the ill-advised nature of some of the proposals contained within H.R. 1756. There are many many more. Regardless of this however, it is with dauntless resolution and unconquerable faith that I will defend not only the valuable environmental, scientific and other work done by NIST and NOAA, but the welfare, faith and trust of my constituents.

The CHAIRMAN. Thank you.

How much time do we have left on our side from the five minutes?

[Pause.]

The CHAIRMAN. The Chair would recognize within the allotted time of majority and minority, other people for opening remarks. Are there any other people for opening remarks?

Mrs. Morella.

Mrs. MORELLA. Thank you, Mr. Chairman.

I would ask unanimous consent to revise and extend.

I want to take the opportunity right now to reflect my perspective on our purpose here today.

I fully support the objectives of our leadership to reduce the size and cost of government, and I am persuaded that we can through providing better direction to those who serve in the Executive Branch as managers of the public's business, greatly improve the efficiency of the agencies that perform the public's business.

All of us share the view that there are some programs in government that should be eliminated. There is too much duplication of function across agencies, and some functions performed in government now need to be moved to the private sector.

I recognize to a great degree the Commerce Department is caught in this same problem.

To some extent, the fault probably lies with Congress which over the decades has often created new programs and offices within Commerce without thinking through the cost efficiency of these programs and offices, but I am not convinced at this juncture that this means that Commerce should be dismantled as opposed to downsized and redirected.

I reserve judgment on that.

But it is clear that our leadership intends to move this legislation to the Floor. If we are to have any voice in this legislation insofar as it will affect science activities within Commerce, it is imperative that we mark up this bill and express our judgment.

And that leads me to the point that is of greatest concern to me, Mr. Chairman.

The bill before us, the Chrysler bill, proposes to eliminate statutory authorities for the MEP and ATP programs which are within the NIST Industrial Technology Services Cost Center, as well as the Federal Laboratory Consortium.

Moreover, the bill would attempt to privatize the NIST laboratories, which are the heart and soul of the very important work that NIST does in the arena of materials' research and definition of industrial standards.

This work is vital to industry, as many witnesses at our hearing pointed out.

I support the MEP and the ATP programs, as do also many other members of the Committee. I understand and respect the views of those who believe that these activities are simply not appropriate for government to perform.

But I am of the view that these programs, although imperfect in their present structure, can have a positive impact, given the proper direction from Congress.

That is why in the subcommittee I moved authorizing legislation for each. I know there will be amendments offered today to address the provisions of the bill relating to these programs.

I will work with the Chairman to seek consensus on the future of these programs in the context of this legislative proposal to dismantle Commerce.

What gives me greatest concern about the Chrysler bill, however, is the proposed privatization of the NIST laboratories. Not only do I think this is unwise, I believe it is unfeasible.

Legitimate issues were raised during our processing of the NIST core program authorization legislation regarding various program activities that the President requested which, in the view of many, would have involved NIST in work far afield from its traditional mission of materials sciences and the development of standards.

I sought to ensure in our authorization legislation that NIST laboratories should remain focused upon their core mission and not attempt to expand into areas outside of their expertise which were being adequately served within the private sector.

The essential core mission of NIST cannot be performed by a privatized laboratory system which would inevitably become market-oriented and unable to perform its tasks in a manner that serves all of industry.

As one of the witnesses before our Committee testified on Tuesday, the caliber of the NIST laboratory employees is world class.

It would be a travesty if this team of competent, experienced researchers were to be subjected to an uncertain future in which their working environment, research objectives, and team cohesion can be threatened.

The CHAIRMAN. The time——

Mrs. MORELLA. I have similar concerns about NOAA, and for these reasons, I want to commend the Chairman for his proposal contained within the Chairman's amendment for the creation of a science-oriented sub-cabinet level agency——

The CHAIRMAN. The time of the gentlelady has expired.

Mrs. MORELLA [continuing]. If this is the best alternative. Thank you.

The CHAIRMAN. Thank you.

That uses the majority side's time. How much time is left—there is one minute left on the minority side for opening statements.

Is there any member that wishes to be recognized?

Mr. BROWN. Mr. Chairman, I hate to let any time go unused. Oh, I am sorry. Ms. Jackson Lee wishes——

The CHAIRMAN. Ms. Jackson-Lee, you are recognized for one minute.

Ms. JACKSON-LEE. Mr. Chairman, I think the effort to be responsive and to have a cohesive entity that deals with science and research is extremely important.

I think, however, we missed the mark in this effort to eliminate the Commerce Department, and as well to promote another department—which certainly has merits—by not recognizing in a new world market the involvement of trade and marketing activities with the idea of science.

So to eliminate the Commerce Department and disperse some of the many aspects of its business that is further enhanced by the trade support system is in error.

I also think the Advanced Technology Program has been vital because it has documented that private sector has not been as interested in those non-profitable efforts.

Thank you very much, Mr. Chairman.

The CHAIRMAN. I ask unanimous consent that the amendment in the nature of a substitute, which has been placed before the members, be considered as read and open to amendment at any point.

Mr. BROWN. Reserving the right to object, Mr. Chairman.

[The amendment follows:]

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1756
OFFERED BY MR. WALKER

Strike all after the enacting clause and insert in lieu thereof the following: ••

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Department of Com-
3 merce Dismantling Act".

4 SEC. 2. TABLE OF CONTENTS.

5 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ABOLISHMENT OF DEPARTMENT OF COMMERCE

Sec. 101. Reestablishment of Department as Commerce Programs Resolution Agency.

Sec. 102. Functions.

Sec. 103. Deputy Administrator.

Sec. 104. Continuation of service of department officers.

Sec. 105. Reorganization.

Sec. 106. Abolishment of Commerce Programs Resolution Agency.

Sec. 107. GAO report.

Sec. 108. Conforming amendments.

Sec. 109. Effective date.

TITLE II—DISPOSITION OF PARTICULAR PROGRAMS, FUNCTIONS,
AND AGENCIES OF DEPARTMENT OF COMMERCE

Sec. 201. Economic development.

Sec. 202. Export control functions.

Sec. 203. National security functions.

Sec. 204. International trade functions.

Sec. 205. Patent and Trademark Office.

Sec. 206. Technology Administration.

Sec. 207. Reorganization of the Bureau of the Census.

Sec. 208. Reorganization of the Bureau of Economic Analysis.

Sec. 209. Terminated functions of NTLA.

Sec. 210. Transfer of spectrum management functions.

Sec. 211. National Oceanic and Atmospheric Administration.

Sec. 212. Miscellaneous abolishments.

Sec. 213. United States Science and Technology Administration.

Sec. 214. Effective date.

Sec. 215. Sense of Congress regarding user fees.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. References.

Sec. 302. Exercise of authorities.

Sec. 303. Savings provisions.

Sec. 304. Transfer of assets.

Sec. 305. Delegation and assignment.

Sec. 306. Authority of Administrator with respect to functions transferred.

Sec. 307. Proposed changes in law. ••

Sec. 308. Certain vesting of functions considered transfers.

Sec. 309. Definitions.

Sec. 310. Limitation on annual expenditures for continued functions.

1 **TITLE I—ABOLISHMENT OF** 2 **DEPARTMENT OF COMMERCE**

3 **SEC. 101. REESTABLISHMENT OF DEPARTMENT AS COM-** 4 **MERCE PROGRAMS RESOLUTION AGENCY.**

5 (a) REESTABLISHMENT.—The Department of Com-
6 merce is hereby redesignated as the Commerce Programs
7 Resolution Agency, which shall be an independent agency
8 in the executive branch of the Government.

9 (b) ADMINISTRATOR.—

10 (1) IN GENERAL.—There shall be at the head
11 of the Agency an Administrator of the Agency, who
12 shall be appointed by the President, by and with the
13 advice and consent of the Senate. The Agency shall
14 be administered under the supervision and direction
15 of the Administrator. The Administrator shall re-
16 ceive compensation at the rate prescribed for level II
17 of the Executive Schedule under section 5313 of title
18 5, United States Code.

1 (2) INITIAL APPOINTMENT OF ADMINIS-
2 TRATOR.—Notwithstanding any other provision of
3 this Act or any other law, the President may, at any
4 time after the date of the enactment of this Act, ap-
5 point an individual to serve as Administrator of the
6 Commerce Programs Resolution Agency (who may
7 be the Secretary of Commerce), as such position is
8 established under paragraph (1). An appointment
9 under this paragraph may not be construed to affect
10 the position of Secretary of Commerce or the au-
11 thority of the Secretary before the effective date
12 specified in section 109(a).

13 (c) DUTIES.—The Administrator shall be responsible
14 for—

15 (1) the administration and wind-up, during the
16 wind-up period, of all functions of the Administrator
17 pursuant to section 102 and the other provisions of
18 this Act;

19 (2) the administration and wind-up, during the
20 wind-up period, of any outstanding obligations of the
21 Federal Government under any programs terminated
22 or repealed by this Act; and

23 (3) taking such other actions as may be nec-
24 essary, before the termination date specified in sec-

tion 106(d), to wind up any outstanding affairs of the Department of Commerce.

SEC. 102. FUNCTIONS.

Except to the extent a function is abolished or vested in another official or agency by this Act, the Administrator shall perform all functions that, immediately before the effective date specified in section 109(a), were functions of the Department of Commerce (or any office of the Department) or were authorized to be performed by the Secretary of Commerce or any other officer or employee of the Department in the capacity as such officer or employee.

SEC. 103. DEPUTY ADMINISTRATOR.

The Agency shall have a Deputy Administrator, who shall—

(1) be appointed by and report to the Administrator; and

(2) shall perform such functions as may be delegated by the Administrator.

SEC. 104. CONTINUATION OF SERVICE OF DEPARTMENT OFFICERS.

(a) CONTINUATION OF SERVICE OF SECRETARY.—The individual serving on the effective date specified in section 109(a) as the Secretary of Commerce may serve and act as Administrator until the date an individual is

1 appointed under this title to the position of Administrator,
2 or until the end of the 120-day period provided for in sec-
3 tion 3348 of title 5, United States Code (relating to limita-
4 tions on the period of time a vacancy may be filled tempo-
5 rarily), whichever is earlier.

6 (b) CONTINUATION OF SERVICE OF OTHER OFFI-
7 CERS.—An individual serving on the effective date speci-
8 fied in section 109(a) as an officer of the Department of
9 Commerce other than the Secretary of Commerce may
10 continue to serve and act in an equivalent capacity in the
11 Agency until the date an individual is appointed under this
12 title to the position of Administrator, or until the end of
13 the 120-day period provided for in section 3348 of title
14 5, United States Code (relating to limitations on the pe-
15 riod of time a vacancy may be filled temporarily) with re-
16 spect to that appointment, whichever is earlier.

17 (c) COMPENSATION FOR CONTINUED SERVICE.—Any
18 person—

19 (1) who serves as the Administrator under sub-
20 section (a), or

21 (2) who serves under subsection (b),
22 after the effective date specified in section 109(a) and be-
23 fore the first appointment of a person as Administrator
24 shall continue to be compensated for so serving at the rate

1 at which such person was compensated before such effective date.

3 SEC. 105. REORGANIZATION.

4 The Administrator may allocate or reallocate any
5 function of the Agency pursuant to this Act among the
6 officers of the Agency, and may establish, consolidate,
7 alter, or discontinue in the Commerce Programs Resolution
8 Agency any organizational entities that were entities
9 of the Department of Commerce, as the Administrator
10 considers necessary or appropriate.

11 SEC. 106. ABOLISHMENT OF COMMERCE PROGRAMS RESOLUTION AGENCY.

13 (a) IN GENERAL.—Effective on the termination date
14 specified in subsection (d), the Commerce Programs Resolution
15 Agency is abolished.

16 (b) ABOLITION OF FUNCTIONS.—Except for functions
17 transferred or otherwise continued by this Act, all
18 functions that, immediately before the termination date
19 specified in subsection (d), were functions of the Commerce
20 Programs Resolution Agency are abolished effective
21 on that termination date.

22 (c) PLAN FOR WINDING UP AFFAIRS.—Not later
23 than the effective date specified in section 109(a), the
24 President shall submit to the Congress a plan for winding
25 up the affairs of the Agency in accordance with this Act

1 and by not later than the termination date specified in
2 subsection (d).

3 (d) TERMINATION DATE.—The termination date
4 under this subsection is the date that is 3 years after the
5 date of the enactment of this Act.

6 SEC. 107. GAO REPORT.

7 Not later than 180 days after the date of enactment
8 of this Act, the Comptroller General of the United States
9 shall submit to the Congress a report which shall include
10 recommendations for the most efficient means of achiev-
11 ing, in accordance with this Act—

12 (1) the complete abolishment of the Depart-
13 ment of Commerce; and

14 (2) the termination or transfer or other con-
15 tinuation of the functions of the Department of
16 Commerce.

17 SEC. 108. CONFORMING AMENDMENTS.

18 (a) PRESIDENTIAL SUCCESSION.—Section 19(d)(1)
19 of title 3, United States Code, is amended by striking
20 “Secretary of Commerce,”.

21 (b) EXECUTIVE DEPARTMENTS.—Section 101 of title
22 5, United States Code, is amended by striking the follow-
23 ing item:

24 “The Department of Commerce.”.

1 (c) SECRETARY'S COMPENSATION.—Section 5312 of
2 title 5, United States Code, is amended by striking the
3 following item:

4 “Secretary of Commerce.”.

5 (d) COMPENSATION FOR POSITIONS AT LEVEL III.—
6 Section 5314 of title 5, United States Code, is amended—

7 (1) by striking the following item:

8 “Under Secretary of Commerce, Under Sec-
9 retary of Commerce for Economic Affairs, Under
10 Secretary of Commerce for Export Administration
11 and Under Secretary of Commerce for Travel and
12 Tourism.”;

13 (2) by striking the following item:

14 “Under Secretary of Commerce for Oceans and
15 Atmosphere, the incumbent of which also serves as
16 Administrator of the National Oceanic and Atmos-
17 pheric Administration.”; and

18 (3) by striking the following item:

19 “Under Secretary of Commerce for Tech-
20 nology.”.

21 (e) COMPENSATION FOR POSITIONS AT LEVEL IV.—
22 Section 5315 of title 5, United States Code, is amended—

23 (1) by striking the following items:

24 “Assistant Secretaries of Commerce (11).”;

25 (2) by striking the following item:

1 “General Counsel of the Department of Com-
2 merce.”;

3 (3) by striking the following item:

4 “Assistant Secretary of Commerce for Oceans
5 and Atmosphere, the incumbent of which also serves
6 as Deputy Administrator of the National Oceanic
7 and Atmospheric Administration.”;

8 (4) by striking the following item:

9 “Director, National Institute of Standards and
10 Technology, Department of Commerce.”;

11 (5) by striking the following item:

12 “Inspector General, Department of Com-
13 merce.”;

14 (6) by striking the following item:

15 “Chief Financial Officer, Department of Com-
16 merce.”; and

17 (7) by striking the following item:

18 “Director, Bureau of the Census, Department
19 of Commerce.”.

20 (f) COMPENSATION FOR POSITIONS AT LEVEL V.—

21 Section 5316 of title 5, United States Code, is amended—

22 (1) by striking the following item:

23 “Director, United States Travel Service, De-
24 partment of Commerce.”; and

25 (2) by striking the following item:

1 “National Export Expansion Coordinator, De-
2 partment of Commerce.”.

3 (g) INSPECTOR GENERAL ACT OF 1978.—The In-
4 specter General Act of 1978 (5 U.S.C. App.) is amend-
5 ed—

6 (1) in section 9(a)(1), by striking subparagraph
7 (B);

8 (2) in section 11(1), by striking “Commerce,”;
9 and

10 (3) in section 11(2), by striking “Commerce,”;

11 SEC. 109. EFFECTIVE DATE.

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), this title shall take effect on the date that is 6 months
14 after the date of the enactment of this Act.

15 (b) PROVISIONS EFFECTIVE ON DATE OF ENACT-
16 MENT.—The following provisions of this title shall take ef-
17 fect on the date of the enactment of this Act:

18 (1) Section 101(b).

19 (2) Section 106(c).

20 (3) Section 107.

1 **TITLE II—DISPOSITION OF PAR-**
2 **TICULAR PROGRAMS, FUNC-**
3 **TIONS, AND AGENCIES OF DE-**
4 **PARTMENT OF COMMERCE**

5 **SEC. 201. ECONOMIC DEVELOPMENT.**

6 (a) **TERMINATED FUNCTIONS.**—The Public Works
7 and Economic Development Act of 1965 (42 U.S.C. 3121
8 et seq.) is repealed.

9 (b) **TRANSFER OF FINANCIAL OBLIGATIONS OWED**
10 **TO THE DEPARTMENT.**—There are transferred to the Sec-
11 retary of the Treasury the loans, notes, bonds, debentures,
12 securities, and other financial obligations owned by the
13 Department of Commerce under the Public Works and
14 Economic Development Act of 1965, together with all as-
15 sets or other rights (including security interests) incident
16 thereto, and all liabilities related thereto. There are as-
17 signed to the Secretary of the Treasury the functions,
18 powers, and abilities vested in or delegated to the Sec-
19 retary of Commerce or the Department of Commerce to
20 manage, service, collect, sell, dispose of, or otherwise real-
21 ize proceeds on obligations owed to the Department of
22 Commerce under authority of such Act with respect to any
23 loans, obligations, or guarantees made or issued by the
24 Department of Commerce pursuant to such Act.

1 (c) AUDIT.—Not later than 18 months after the date
2 of the enactment of this Act, the Comptroller General shall
3 conduct an audit of all grants made or issued by the De-
4 partment of Commerce under the Public Works and Eco-
5 nomic Development Act of 1965 in fiscal year 1995 and
6 all loans, obligations, and guarantees and shall transmit
7 to Congress a report on the results of such audit.

8 SEC. 202. EXPORT CONTROL FUNCTIONS.

9 (a) TRANSFER TO SECRETARY OF STATE.—

10 (1) IN GENERAL.—Except as provided in this
11 section, all functions of the Secretary of Commerce,
12 the Under Secretary of Commerce for Export Ad-
13 ministration, the 2 Assistant Secretaries of Com-
14 merce appointed under section 15(a) of the Export
15 Administration Act of 1979 (50 U.S.C. 2414(a)),
16 and the Department of Commerce, on the day before
17 the effective date specified in section 109(a), under
18 the Export Administration Act of 1979 are trans-
19 ferred to the Secretary of State.

20 (2) CONSULTATION WITH USTR.—The Sec-
21 retary of State shall consult with the United States
22 Trade Representative with respect to licensing deci-
23 sions under the Export Administration Act of 1979.

24 (b) SHORT SUPPLY CONTROLS.—All functions of the
25 Secretary of Commerce, on the day before the effective

1 date specified in section 109(a), under section 7 of the
2 Export Administration Act of 1979 (50 U.S.C. 2406), and
3 under all other provisions of that Act to the extent that
4 such provisions apply to section 7, are transferred to the
5 President.

6 (c) ENFORCEMENT.—

7 (1) GENERAL TRANSFER.—All functions of the
8 Secretary of Commerce and the Department of Com-
9 merce, on the day before the effective date specified
10 in section 109(a), under sections 11(c), 12, and 13
11 (c), (d), and (e) of the Export Administration Act of
12 1979 (50 U.S.C. App. 2410(c), 2411, and 2412 (c),
13 (d), and (e)) are transferred to the Secretary of the
14 Treasury.

15 (2) TRANSFER OF ENFORCEMENT PERSON-
16 NEL.—Not more than 60 United States special
17 agents of the Bureau of Export Administration of
18 the Department of Commerce who, on the day be-
19 fore the effective date specified in section 109(a),
20 were assigned to perform functions under section
21 12(a) of the Export Administration Act of 1979 may
22 be transferred to the Customs Service to carry out
23 functions transferred by paragraph (1). The Direc-
24 tor of the Office of Management and Budget shall

1 determine the special agents to be transferred under
2 this paragraph.

3 (d) ANTI-BOYCOTT COMPLIANCE.—All functions of
4 the Secretary of Commerce and the Department of Com-
5 merce, on the day before the effective date specified in
6 section 109(a), under section 8 of the Export Administra-
7 tion Act of 1979 (50 U.S.C. 2407), and under all other
8 provisions of that Act to the extent that such provisions
9 apply to section 8, are transferred to the Attorney Gen-
10 eral.

11 (e) TERMINATION OF OFFICE OF FOREIGN AVAIL-
12 ABILITY; APPOINTMENT OF INDUSTRIES BOARD.—

13 (1) TERMINATION OF OFFICE.—(A) The Office
14 of Foreign Availability established under section
15 5(f)(6) of the Export Administration Act of 1979
16 (50 U.S.C. 2404(f)(6)) is abolished.

17 (2) CONFORMING AMENDMENT.—Section 5(f)
18 of the Export Administration Act of 1979 (50
19 U.S.C. App. 2404(f)) is amended by striking para-
20 graph (6).

21 (3) APPOINTMENT OF INDUSTRIES BOARD.—
22 The President shall appoint an industries board,
23 composed of representatives of industries affected by
24 matters relating to foreign availability under the Ex-
25 port Administration Act of 1979, to advise the Sec-

1 retary of State with respect to such matters, except
2 that no Federal funds may be made available to the
3 industries board to carry out its functions.

4 (f) BUYING POWER MAINTENANCE ACCOUNT.—The
5 authority of the Secretary of Commerce under section 108
6 of title I of Public Law 100-202 (101 Stat. 1329-7) to
7 establish a Buying Power Maintenance account is trans-
8 ferred to the Secretary of State for purposes of carrying
9 out functions under the Export Administration Act of
10 1979 that are transferred to the Secretary of State under
11 this section.

12 (g) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 15(a) of the Export Administration
14 Act of 1979 (50 U.S.C. 2414(a)) is repealed.

15 (2) The Office of the Under Secretary of Com-
16 merce for Export Administration is abolished.

17 SEC. 203. NATIONAL SECURITY FUNCTIONS.

18 (a) TRANSFER OF FUNCTIONS.—Functions of the
19 Secretary of Commerce immediately before the effective
20 date specified in section 109(a)—

21 (1) under section 232 of the Trade Expansion
22 Act of 1962 (19 U.S.C. 1862) are transferred to the
23 International Trade Commission;

1 (2) under section 309 of the Defense Produc-
 2 tion Act of 1950 (50 U.S.C. App. 2099) are trans-
 3 ferred to the Secretary of Defense; and

4 (3) under section 722 of the Defense Produc-
 5 tion Act of 1950 (50 U.S.C. App. 2171) are trans-
 6 ferred to the Secretary of the Treasury.

7 (b) NATIONAL DEFENSE TECHNOLOGY AND INDUS-
 8 TRIAL BASE COUNCIL.—Section 2502(b) of title 10, Unit-
 9 ed States Code, is amended by striking paragraph (3) and
 10 redesignating paragraphs (4) and (5) as paragraphs (3)
 11 and (4), respectively.

12 (c) APPOINTMENT OF COMMITTEES OF INDUSTRY
 13 REPRESENTATIVES.—The President should appoint com-
 14 mittees composed of representatives of appropriate indus-
 15 tries to advise the National Security Council with respect
 16 to those matters affecting industry addressed by the Sec-
 17 retary of Commerce to the National Security Council be-
 18 fore the effective date specified in section 109(a).

19 SEC. 204. INTERNATIONAL TRADE FUNCTIONS.

20 (a) TARIFF ACT OF 1930; URUGUAY ROUND AGREE-
 21 MENTS ACT.—

22 (1) TRANSFER TO UNITED STATES TRADE REP-
 23 RESENTATIVE.—All functions of the International
 24 Trade Administration of the Department of Com-
 25 merce, immediately before the effective date speci-

fied in section 109(a), under titles III and VII of the
 Tariff Act of 1930, and all functions of the admin-
 istering authority or the Secretary of Commerce
 under the Uruguay Round Agreements Act, are
 transferred to the United States Trade Representa-
 tive.

(2) CONFORMING AMENDMENT.—Section
 771(1) of the Tariff Act of 1930 (19 U.S.C.
 1677(1)) is amended by striking “Secretary of Com-
 merce” and inserting “United States Trade Rep-
 resentative”.

(b) FOREIGN TRADE ZONES BOARD.—Subsection (b)
 of the first section of the Act of June 18, 1934 (commonly
 known as the “Foreign Trade Zones Act”) (19 U.S.C.
 81a(b)) is amended by striking “Secretary of Commerce,
 who shall be chairman and executive officer of the Board,
 the Secretary of the Treasury” and inserting “Secretary
 of the Treasury, who shall be chairman and executive offi-
 cer of the Board, the United States Trade Representa-
 tive”.

(c) UNITED STATES AND FOREIGN COMMERCIAL
 SERVICE.—

(1) RENAMING AND ABOLITION OF CERTAIN
 FUNCTIONS.—The United States and Foreign Com-
 mercial Service shall, upon the effective date speci-

1 fied in section 109(a), be known as the “United
2 States Foreign Commercial Service” (hereafter in
3 this subsection referred to as the “Commercial Serv-
4 ice”). All operations of the Commercial Service in
5 the United States (other than those performed at
6 the headquarters office referred to in section
7 2301(c) of the Export Enhancement Act of 1988
8 (15 U.S.C. 4721(c))) with respect to the foreign op-
9 erations of the Commercial Service) are abolished.

10 (2) TRANSFER TO USTR.—The Commercial
11 Service and its functions are transferred to the Unit-
12 ed States Trade Representative. All functions per-
13 formed immediately before the effective date speci-
14 fied in section 109(a) by the Secretary of Commerce
15 or the Department of Commerce with respect to the
16 Commercial Service are transferred to the United
17 States Trade Representative.

18 (3) DIRECTOR GENERAL.—(A) The head of the
19 Commercial Service shall, as of the effective date
20 specified in section 109(a), be the Director General
21 of the United States Foreign Commercial Service.

22 (B) Section 5315 of title 5, United States Code,
23 is amended by striking “Assistant Secretary of Com-
24 merce and Director General of the United States
25 and Foreign Commercial Service” and inserting “Di-

1 rector General of the United States Foreign Com-
2 mercial Service.”.

3 (C) The individual serving as Assistant Sec-
4 retary of Commerce and Director General of the
5 United States and Foreign Commercial Service im-
6 mediately before the effective date specified in sec-
7 tion 109(a) may serve as the Director General of the
8 United States Foreign Commercial Service on and
9 after such effective date until a successor has taken
10 office. Compensation for any service under this sub-
11 paragraph shall be at the rate at which the individ-
12 ual was compensated immediately before the effec-
13 tive date specified in section 109(a).

14 (4) TRANSFER OF COMMERCIAL SERVICE OFFI-
15 CERS.—The transfer to the United States Trade
16 Representative pursuant to this section of any Com-
17 mercial Service Officer serving immediately before
18 the effective date specified in section 109(a) shall
19 not cause such officer to be reduced in rank, grade,
20 or compensation.

21 (d) EXPORT PROMOTION PROGRAMS.—

22 (1) TRANSFER.—All export promotion pro-
23 grams (as defined in section 201(d) of the Export
24 Administration Amendments Act of 1985 (15 U.S.C.
25 4051(d))) carried out by the Secretary of Commerce

1 or the Department of Commerce immediately before
2 the effective date specified in section 109(a) are
3 transferred to the United States Trade Representa-
4 tive.

5 (2) PRIVATE FUNDING.—With respect to any
6 program transferred under paragraph (1), no funds
7 made available to the United States Trade Rep-
8 resentative may be used in carrying out such pro-
9 gram, but the United States Trade Representative
10 may require the persons to whom services are pro-
11 vided by the Office of the United States Trade Rep-
12 resentative under such program to pay for such serv-
13 ices.

14 (e) TRADE INFORMATION.—All functions of the Sec-
15 retary of Commerce under the International Investment
16 and Trade in Services Survey Act (22 U.S.C. 3101 and
17 following) are transferred to the Secretary of the Treas-
18 ury.

19 (f) INTERNATIONAL ECONOMIC POLICY.—All func-
20 tions performed by the Assistant Secretary of Commerce
21 for International Economic Policy and the Office of Inter-
22 national Economic Policy of the Department of Commerce
23 immediately before the effective date specified in section
24 109(a) are abolished.

1 (g) FUNCTIONS WITH RESPECT TO TEXTILE AGREE-
2 MENTS.—

3 (1) TRANSFER OF FUNCTIONS.—Notwithstand-
4 ing the provisions of Executive Order 11651 and
5 Executive Order 12475 (7 U.S.C. 1854 note), the
6 functions of the Committee for the Implementation
7 of Textile Agreements (hereafter in this subsection
8 referred to as “CITA”) are transferred as follows:

9 (A) All functions related to policy formula-
10 tion for textile and apparel trade, including the
11 negotiation and implementation of textile and
12 apparel trade agreements, and all related activi-
13 ties performed by CITA immediately before the
14 effective date specified in section 109(a), and
15 not specified in paragraphs (2) through (4), are
16 transferred to the United States Trade Rep-
17 resentative.

18 (B) All functions related to economic anal-
19 ysis of textile and apparel trade patterns, deter-
20 mination of serious damage, or actual threat
21 thereof, to domestic United States industry and
22 related safeguards matters, including the tran-
23 sitional safeguard provisions under Article 6 of
24 the Agreement on Textiles and Clothing re-
25 ferred to in section 101(d)(4) of the Uruguay

1 Round Agreements Act (19 U.S.C. 3511(d)(4)),
2 and analysis of the impact of foreign tariff and
3 nontariff barriers on textile and apparel trade,
4 and all related activities performed by CITA
5 immediately before the effective date specified
6 in section 109(a), are transferred to the Inter-
7 national Trade Commission.

8 (C) All functions related to the promotion
9 and foreign market expansion of United States
10 textile and apparel production are transferred
11 to the United States Foreign Commercial Serv-
12 ice.

13 (D) All functions related to monitoring
14 quota utilization and enforcement, and actions
15 to address the circumvention of quotas, as de-
16 scribed in the statement of administrative ac-
17 tion accompanying the Uruguay Round Agree-
18 ments (as defined in section 2 of the Uruguay
19 Round Agreements Act (19 U.S.C. 3501)), are
20 transferred to the Secretary of the Treasury.

21 (2) ABOLITION OF CITA.—CITA is abolished.

22 (h) FAIR TRADE IN AUTO PARTS.—All functions of
23 the Secretary of Commerce under the Fair Trade in Auto
24 Parts Act of 1988 (15 U.S.C. 4701 and following) are
25 transferred to the International Trade Commission.

1 (i) OTHER TRADE FUNCTIONS.—

2 (1) INTERAGENCY TRADE ORGANIZATION.—The
3 President shall provide for the direct participation
4 by representatives of industry on the Interagency
5 Trade Organization established under section 242 of
6 the Trade Expansion Act of 1962 (19 U.S.C. 1872),
7 to carry out appropriate functions of the Secretary
8 of Commerce as a member of such organization be-
9 fore the effective date specified in section 109(a).

10 (2) EXPORT TRADING COMPANIES.—(A) The
11 functions of the Secretary of Commerce under the
12 Export Trading Company Act of 1982 (15 U.S.C.
13 4001–4003), and the Office of Export Trade estab-
14 lished under section 104 of that Act, are abolished.

15 (B) The functions of the Secretary of Com-
16 merce under title III of the Act of October 8, 1982
17 (15 U.S.C. 4011 and following), are transferred to
18 the Secretary of the Treasury.

19 (C) CONFORMING AMENDMENTS.—(i) The Ex-
20 port Trading Company Act of 1982 (15 U.S.C.
21 4001–4003) is repealed.

22 (ii) The section heading for section 301 of the
23 Act of October 8, 1982 (15 U.S.C. 4011), is amend-
24 ed by striking “COMMERCE” and inserting “TREAS-
25 URY”.

1 (iii) Section 311(7) of the Act of October 8,
2 1982 (15 U.S.C. 4021), is amended by striking
3 "Commerce" and inserting "Treasury".

4 (j) APPOINTMENT OF INDUSTRIES BOARDS.—The
5 President shall appoint industries boards, composed of
6 representatives of industries in the private sector, to ad-
7 vise the Secretary of the Treasury and the United States
8 Trade Representative with respect to functions transferred
9 to them under this section.

10 (k) GIFTS AND BEQUESTS.—

11 (1) IN GENERAL.—The Secretary of State, the
12 Secretary of the Treasury, and the United States
13 Trade Representative are authorized to accept, hold,
14 administer, and utilize gifts and bequests of prop-
15 erty, both real and personal, for the purpose of aid-
16 ing or facilitating the performance of functions
17 transferred to them under this section and section
18 202. Gifts and bequests of money and the proceeds
19 from sales of other property received as gifts or be-
20 quests shall be deposited in the United States Treas-
21 ury in a separate fund and shall be disbursed on
22 order of the Secretary of State, the Secretary of the
23 Treasury, or the United States Trade Representa-
24 tive. Property accepted pursuant to this paragraph,
25 and the proceeds thereof, shall be used as nearly as

1 possible in accordance with the terms of the gift or
2 bequest.

3 (2) TAX TREATMENT.—For the purpose of Fed-
4 eral income, estate, and gift taxes, and State taxes,
5 property accepted under subsection (a) shall be con-
6 sidered a gift or bequest to or for use of the United
7 States.

8 (3) INVESTMENT.—The Secretary of the Treas-
9 ury may invest and reinvest in securities of the
10 United States or in securities guaranteed as to prin-
11 cipal and interest by the United States any moneys
12 contained in the fund provided for in subsection (a).
13 Income accruing from such securities, and from any
14 other property held by the Secretary of State, the
15 Secretary of the Treasury, or the United States
16 Trade Representative pursuant to subsection (a),
17 shall be deposited to the credit of the fund, and shall
18 be disbursed upon order of the Secretary of State,
19 the Secretary of the Treasury, or the United States
20 Trade Representative.

21 (1) INFORMATION SHARING.—It is the sense of the
22 Congress that any department or agency of the United
23 States that compiles information on international econom-
24 ics or trade make that information available to other de-

1 partments and agencies performing functions relating to
2 international trade.

3 (m) TRADE ADJUSTMENT ASSISTANCE FOR
4 FIRMS.—Chapter 3 of title II of the Trade Act of 1974
5 (19 U.S.C. 2341 and following) and the items relating to
6 such chapter in the table of contents for that Act, are re-
7 pealed.

8 SEC. 205. PATENT AND TRADEMARK OFFICE.

9 (a) TRANSFER TO DEPARTMENT OF JUSTICE.—Ef-
10 fective as of the date specified in section 109(a)—

11 (1) the Patent and Trademark Office shall be
12 transferred to the Department of Justice; and

13 (2) all functions which, immediately before such
14 date, are functions of the Secretary of Commerce
15 under title 35, United States Code, or any other
16 provision of law with respect to the functions of the
17 Patent and Trademark Office, are transferred to the
18 Attorney General.

19 (b) FUNDING.—

20 (1) COSTS PAID FROM FEES.—All costs of the
21 activities of the Patent and Trademark Office shall
22 be paid from fees paid to the Office under title 35,
23 United States Code, the Act of July 5, 1946 (com-
24 monly known as the “Trademark Act of 1946”) (15
25 U.S.C. 1051 and following), section 10101 of the

1 Omnibus Budget Reconciliation Act of 1990 (35
2 U.S.C. 41 note), or other provision of law.

3 (2) FUNDS AVAILABLE WITHOUT APPROPRIA-
4 TION.—(A) Section 42(c) of title 35, United States
5 Code, is amended by striking “to carry out, to the
6 extent provided in appropriation Acts,” and insert-
7 ing “, without appropriation, to carry out”.

8 (B) Section 10101(b)(2)(B) of the Omnibus
9 Budget Reconciliation Act of 1990 (35 U.S.C. 41
10 note) is amended by striking “to the extent provided
11 in appropriation Acts” and inserting “without ap-
12 propriation”.

13 (c) ADJUSTMENT OF FEES.—Section 41(f) of title
14 31, United States Code, is amended to read as follows:

15 “(f) The Commissioner may adjust the fees estab-
16 lished under this section on October 1 of each year to
17 cover the estimated cost to the activities of the Office.”.

18 (d) SERVICE OF INCUMBENTS.—Those individuals
19 serving as Commissioner of Patents and Trademarks,
20 Deputy Commissioner of Patents and Trademarks, Assist-
21 ant Commissioner of Patents, and Assistant Commis-
22 sioner of Trademarks, immediately before the effective
23 date specified in section 109(a), may continue in such of-
24 fice on and after such effective date until a successor has
25 taken office. Compensation for any service under this sub-

1 section shall be at the rate at which the individual was
2 compensated immediately before the effective date speci-
3 fied in section 109(a).

4 (e) RULE OF CONSTRUCTION.—For purposes of title
5 III, the transfer of the Patent and Trademark Office to
6 the Department of Justice under this section shall be
7 treated as if it involved a transfer of functions from one
8 office to another.

9 (f) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) Section 1 of title 35, United States Code,
11 is amended to read as follows:

12 **“§ 1. Establishment**

13 “The Patent and Trademark Office is an agency of
14 the United States within the Department of Justice, where
15 records, books, drawings, specifications, and other papers
16 and things pertaining to patents and trademark registra-
17 tions shall be kept and preserved, except as otherwise pro-
18 vided by law.”.

19 (2) Title 35, United States Code, is amended by
20 striking “Secretary of Commerce” each place it ap-
21 pears and inserting “Attorney General”.

22 (3) Section 3 of title 35, United States Code,
23 is amended by striking subsection (d).

24 (4) Section 5316 of title 5, United States Code,
25 is amended by striking

1 “Commissioner of Patents, Department of
2 Commerce.”

3 and inserting

4 “Commissioner of Patents and Trademarks.”.

5 SEC. 206. TECHNOLOGY ADMINISTRATION.

6 (a) TECHNOLOGY ADMINISTRATION.—

7 (1) GENERAL RULE.—Except as otherwise pro-
8 vided in this section, the Technology Administration
9 shall be terminated on the effective date specified in
10 section 214(a).

11 (2) OFFICE OF TECHNOLOGY POLICY.—The Of-
12 fice of Technology Policy is hereby terminated.

13 (b) NATIONAL INSTITUTE OF STANDARDS AND
14 TECHNOLOGY.—

15 (1) GENERAL RULE.—Except as otherwise pro-
16 vided in this subsection, the National Institute of
17 Standards and Technology (in this subsection re-
18 ferred to as the “Institute”) shall be transferred to
19 the United States Science and Technology Adminis-
20 tration.

21 (2) FUNCTIONS OF DIRECTOR.—Except as oth-
22 erwise provided in this subsection, upon the transfer
23 under paragraph (1), the Director of the Institute
24 shall perform all functions relating to the Institute
25 that, immediately before the effective date specified

1 in section 213(a), were functions of the Secretary of
2 Commerce or the Under Secretary of Commerce for
3 Technology, including the administration of section
4 17 of the Stevenson-Wydler Technology Innovation
5 Act of 1980.

6 (c) NATIONAL TECHNICAL INFORMATION SERV-
7 ICE.—

8 (1) SALE OF PROPERTY.—The Commerce Pro-
9 grams Resolution Agency shall attempt to sell the
10 property of the National Technical Information
11 Service, within 18 months after the effective date
12 specified in section 214(a), to a private sector entity
13 intending to perform substantially the same func-
14 tions as were performed by the National Technical
15 Information Service immediately before such effec-
16 tive date.

17 (2) TRANSFER TO USSTA.—If no offer to pur-
18 chase property under paragraph (1) is received with-
19 in the 18-month period described in such paragraph,
20 the Commerce Programs Resolution Agency shall
21 transfer to the United States Science and Tech-
22 nology Administration all property and functions of
23 the National Technical Information Service.

1 (3) FUNDING.—No Federal funds may be ap-
2 propriated for the National Technical Information
3 Service for any fiscal year after fiscal year 1995.

4 (d) AMENDMENTS.—

5 (1) NATIONAL INSTITUTE OF STANDARDS AND
6 TECHNOLOGY ACT.—The National Institute of
7 Standards and Technology Act (15 U.S.C. 271 et
8 seq.) is amended—

9 (A) in section 2(b), by striking paragraph
10 (1) and redesignating paragraphs (2) through
11 (11) as paragraphs (1) through (10), respec-
12 tively;

13 (B) in section 2(d), by striking “, including
14 the programs established under sections 25, 26,
15 and 28 of this Act”;

16 (C) in section 10, by striking “Advanced”
17 in both the section heading and subsection (a),
18 and inserting in lieu thereof “Standards and”;
19 and

20 (D) by striking sections 24, 25, 26, and
21 28.

22 (2) STEVENSON-WYDLER TECHNOLOGY INNOVA-
23 TION ACT OF 1980.—The Stevenson-Wydler Tech-
24 nology Innovation Act of 1980 (15 U.S.C. 3701 et
25 seq.) is amended—

1 (A) in section 3, by striking paragraph (2)
2 and redesignating paragraphs (3) through (5)
3 as paragraphs (2) through (4), respectively;

4 (B) in section 4, by striking paragraphs
5 (1), (4), and (13) and redesignating paragraphs
6 (2), (3), (5), (6), (7), (8), (9), (10), (11), and
7 (12) as paragraphs (1) through (10), respec-
8 tively;

9 (C) by striking sections 5, 6, 7, 8, 9, and
10 10;

11 (D) in section 11—

12 (i) by striking “, the Federal Labora-
13 tory Consortium for Technology Transfer,”
14 in subsection (c)(3);

15 (ii) by striking “and the Federal Lab-
16 oratory Consortium for Technology Trans-
17 fer” in subsection (d)(2);

18 (iii) by striking “, and refer such re-
19 quests” and all that follows through “avail-
20 able to the Service” in subsection (d)(3);
21 and

22 (iv) by striking subsection (e); and

23 (E) in section 17—

1 (i) by striking "Subject to paragraph
2 (2), separate" and inserting in lieu thereof
3 "Separate" in subsection (c)(1);

4 (ii) by striking paragraph (2) of sub-
5 section (c);

6 (iii) by redesignating paragraph (3) of
7 subsection (c) as paragraph (2); and

8 (iv) by inserting "administrative"
9 after "funds to carry out" in subsection
10 (f).

11 SEC. 207. REORGANIZATION OF THE BUREAU OF THE
12 CENSUS.

13 (a) IN GENERAL.—Effective as of the date specified
14 in section 214(a)—

15 (1) the Bureau of the Census shall be trans-
16 ferred to the Department of the Treasury; and

17 (2) all functions which, immediately before such
18 date, are functions of the Secretary of Commerce
19 under title 13, United States Code, shall be trans-
20 ferred to the Secretary of the Treasury.

21 (b) INTERIM SERVICE.—The individual serving as the
22 Director of the Census immediately before the reorganiza-
23 tion under this section takes effect may continue serving
24 in that capacity until a successor has taken office. Com-
25 pensation for any service under this subsection shall be

1 at the rate at which such individual was compensated im-
2 mediately before the effective date of the reorganization.

3 (c) SENSE OF THE CONGRESS.—It is the sense of the
4 Congress that the Bureau of the Census should—

5 (1) make appropriate use of any authority af-
6 forded to it by the Census Address List Improve-
7 ment Act of 1994 (Public Law 103-430; 108 Stat.
8 4393), and take measures to ensure the timely im-
9 plementation of such Act; and

10 (2) streamline census questionnaires to promote
11 savings in the collection and tabulation of data.

12 (d) AMENDMENTS.—Effective as of the date specified
13 in section 214(a)—

14 (1) TRANSFER OF THE BUREAU TO THE DE-
15 PARTMENT OF THE TREASURY.—(A) Section 2 of
16 title 13, United States Code, is amended by striking
17 “is continued as” through the period and inserting
18 “is an agency within, and under the jurisdiction of,
19 the Department of the Treasury.”.

20 (B) Subsection (e) of section 12 of the Act of
21 February 14, 1903 (15 U.S.C. 1511(e)) is repealed.

22 (2) DEFINITION OF SECRETARY.—Title 13,
23 United States Code, is amended in section 1(2) by
24 striking “Secretary of Commerce” and inserting
25 “Secretary of the Treasury”.

1 (3) REFERENCES IN TITLE 13, UNITED STATES
2 CODE, TO THE DEPARTMENT OF COMMERCE.—Title
3 13, United States Code, is amended in sections 4,
4 9(a), 23(b), 24(e), 44, 103, 132, 211, 213(b)(2),
5 221, 222, 223, 224, 225(a), and 241 by striking
6 “Department of Commerce” each place it appears
7 and inserting “Department of the Treasury”.

8 (4) PROVISIONS RELATING TO THE SECRETARY
9 OF THE TREASURY.—(A) Section 302 of title 13,
10 United States Code, is amended by striking the last
11 sentence thereof.

12 (B) Section 303 of title 13, United States Code,
13 and the item relating to such section in the analysis
14 for chapter 9 of such title are repealed.

15 (C) Section 304(a) of title 13, United States
16 Code, is amended—

17 (i) by striking “Secretary of the Treasury”
18 each place it appears and inserting “Secretary”;
19 and

20 (ii) by striking “Secretary of Commerce”
21 and inserting “Secretary”.

22 (D)(i) Section 401(a) of title 13, United States
23 Code, is amended by striking “Secretary of Com-
24 merce” and inserting “Secretary”.

1 (ii) Section 8(e) of the Foreign Direct Invest-
2 ment and International Financial Data Improve-
3 ments Act of 1990 (22 U.S.C. 3144(e)) is amended
4 by striking "Secretary of Commerce" and inserting
5 "Secretary of the Treasury".

6 (iii) Section 401(a) of title 13, United States
7 Code, is amended by striking "Department of Com-
8 merce" and inserting "Federal Reserve System".

9 (5) COMPENSATION FOR THE POSITION OF DI-
10 RECTOR OF THE CENSUS.—Section 5315 of title 5,
11 United States Code, as amended by paragraph (7)
12 of section 108(e), is further amended by inserting
13 (in lieu of the item struck by such paragraph) the
14 following new item:

15 "Director of the Census, Department of the
16 Treasury."

17 (6) CONFIDENTIALITY.—Section 9 of title 13,
18 United States Code, is amended by adding at the
19 end the following:

20 "(c)(1) Nothing in subsection (a)(3) shall be consid-
21 ered to permit the disclosure of any matter or information
22 to an officer or employee of the Department of the Treas-
23 ury who is not referred to in subchapter II if, immediately
24 before the date specified in section 214(a) of the Depart-
25 ment of Commerce Dismantling Act, such disclosure (if

1 then made by an officer or employee of the Department
2 of Commerce) would have been impermissible under this
3 section (as then in effect).

4 “(2) Paragraph (1) shall not apply with respect to
5 any disclosure made to the Secretary.”.

6 (e) RULE OF CONSTRUCTION.—For purposes of title
7 III, the reorganization of the Bureau of the Census under
8 this section shall be treated as if it involved a transfer
9 of functions from one office to another.

10 SEC. 208. REORGANIZATION OF THE BUREAU OF ECO-
11 NOMIC ANALYSIS.

12 (a) IN GENERAL.—Effective as of the date specified
13 in section 214(a)—

14 (1) the Bureau of Economic Analysis shall be
15 transferred to the Federal Reserve System; and

16 (2) all functions which, immediately before such
17 date, are functions of the Secretary of Commerce
18 with respect to the Bureau of Economic Analysis
19 shall be transferred to the Chairman of the Board
20 of Governors of the Federal Reserve System.

21 (b) INTERIM SERVICE.—The individual serving as the
22 Director of the Bureau of Economic Analysis immediately
23 before the reorganization under this section takes effect
24 may continue serving in that capacity until a successor
25 has taken office. Compensation for any service under this

1 subsection shall be at the rate at which such individual
2 was compensated immediately before the effective date of
3 the reorganization.

4 (c) REPORTS.—Not later than 18 months after the
5 date of the enactment of this Act, the Director of the Bu-
6 reau of Economic Analysis shall submit to the Congress
7 a written report on—

8 (1) the availability of any private sector re-
9 sources that may be capable of performing any or all
10 of the functions of the Bureau of Economic Analy-
11 sis, and the feasibility of having any such functions
12 so performed; and

13 (2) the feasibility of implementing a system
14 under which fees may be assessed by the Bureau of
15 Economic Analysis in order to defray the costs of
16 any services performed by the Bureau of Economic
17 Analysis, when such services are performed other
18 than on behalf of the Federal Government or an
19 agency or instrumentality thereof.

20 (d) RULE OF CONSTRUCTION.—For purposes of title
21 III, the reorganization of the Bureau of Economic Analy-
22 sis under this section shall be treated as if it involved a
23 transfer of functions from one office to another.

24 SEC. 209. TERMINATED FUNCTIONS OF NTIA.

25 The following provisions of law are repealed:

1 (1) Subpart A of part IV of title III of the
2 Communications Act of 1934 (47 U.S.C. 390 et
3 seq.), relating to assistance for public telecommuni-
4 cations facilities.

5 (2) Subpart B of part IV of title III of the
6 Communications Act of 1934 (47 U.S.C. 394 et
7 seq.), relating to the Endowment for Children's
8 Educational Television.

9 (3) Subpart C of part IV of title III of the
10 Communications Act of 1934 (47 U.S.C. 395 et
11 seq.), relating to Telecommunications Demonstration
12 grants.

13 SEC. 210. TRANSFER OF SPECTRUM MANAGEMENT FUNC-
14 TIONS.

15 There are transferred to the Chairman of the Federal
16 Communications Commission all functions of the Sec-
17 retary of Commerce, the Assistant Secretary of Commerce
18 for Communications and Information, and the National
19 Telecommunications and Information Administration
20 under parts A and B of the National Telecommunication
21 and Information Administration Organization Act.

22 SEC. 211. NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
23 ISTRATION.

24 (a) TERMINATION OF AUTHORITY TO MAKE FISH-
25 ERIES GRANTS.—No financial assistance may be provided

1 under any of the following laws, except to the extent the
2 provision of that assistance is a contractual obligation of
3 the United States on the day before the effective date of
4 this section:

5 (1) Section 2 of the Act of August 11, 1939
6 (15 U.S.C. 713c-3), popularly known as the
7 "Saltonstall-Kennedy Act".

8 (2) Section 1 of the Act of September 2, 1960
9 (16 U.S.C. 753a).

10 (3) The Antarctic Marine Living Resources
11 Convention Act of 1984 (16 U.S.C. 2431 et seq.).

12 (4) The Anadromous Fish Conservation Act (16
13 U.S.C. 757a et seq.).

14 (5) Provisions of the Magnuson Fishery Con-
15 servation and Management Act (16 U.S.C. 1801 et
16 seq.) and the Department of Commerce Appropria-
17 tion Act of 1994 that authorize assistance to State
18 fishery agencies to enhance their data collection and
19 analysis systems to respond to coastwise fisheries
20 management needs.

21 (6) The Interjurisdictional Fisheries Act of
22 1986 (16 U.S.C. 4101 et seq.).

23 (7) Provisions of the Fish and Wildlife Act of
24 1956 and the Department of Commerce Appropria-
25 tion Act of 1994 that authorize assistance to State

1 for a cooperative State and Federal partnership to
2 provide a continuing source of fisheries statistics to
3 support fisheries management in the States' territorial waters and the United States exclusive economic zone.

6 (8) Provisions of the Fish and Wildlife Act of
7 1956 and the Department of Commerce Appropriation Act of 1994 that authorize assistance to States
8 for a cooperative program which engages State and
9 Federal agencies in the coordinated collection, management, and dissemination of fishery-independent
10 information on marine fisheries in support of State
11 territorial waters and the United States exclusive
12 economic zone fisheries management programs.

15 (9) Provisions of the Act of May 11, 1938 (16
16 U.S.C. 756-757), popularly known as the Mitchell
17 Act, and the Department of Commerce Appropriation Act of 1994 that authorize assistance to State
18 fisheries agencies in the Pacific Northwest to protect
19 and enhance salmon and steelhead resources in the
20 region.

22 (10) Provisions of the Pacific Salmon Treaty
23 Act of 1985 (16 U.S.C. 3631-3644) and the Department of Commerce Appropriation Act of 1994
24 that authorize assistance to States in fulfilling re-
25

1 responsibilities under the Pacific Salmon Treaty by
2 providing administrative, management, and applied
3 research support to the States to meet the needs of
4 the Pacific Salmon Commission and international
5 commitments under the treaty.

6 (11) Provisions of the Marine Mammal Protec-
7 tion Act of 1972 (16 U.S.C. 1371-1384) and the
8 Department of Commerce Appropriation Act of 1994
9 which authorize assistance to State agencies for the
10 collection and analysis of information on marine
11 mammals that occur in the State waters and inter-
12 act with State managed fisheries.

13 (12) Provisions of the Pacific Salmon Treaty
14 Act of 1985 (16 U.S.C. 3631-3644) and the De-
15 partment of Commerce Appropriation Act of 1994
16 that—

17 (A) authorize assistance to States to assist
18 in fulfilling Federal responsibilities under the
19 Pacific Salmon Treaty by restoring Southeast
20 Alaska salmon harvests limited by the treaty
21 and by restoring salmon stocks as quickly as
22 possible; and

23 (B) help implement a 1989 “Understand-
24 ing between the United States and Canadian
25 Sections of the Pacific Salmon Commission

1 Concerning Joint Enhancement of
2 Transboundary River Salmon Stocks”.

3 (b) TERMINATION OF FISHERIES TRADE PROMOTION
4 PROGRAM.—Section 211 of the Act of December 22, 1989
5 (15 U.S.C. 1511b) is repealed.

6 (c) CONFORMING AMENDMENT TO TERMINATE FISH-
7 ERIES PROMOTION AND DEVELOPMENT TRANSFERS AND
8 FUNDS.—Section 2(b) of the Act of August 11, 1939 (15
9 U.S.C. 713c-3), popularly known as the “Saltonstall-Ken-
10 nedy Act”, is repealed. Amounts remaining, on the effec-
11 tive date of this section, in the funds established under
12 that section that are not required for the provision of fi-
13 nancial assistance that is not otherwise terminated by this
14 section shall revert to the general fund of the Treasury.

15 (d) TERMINATION OF AUTHORITY TO GUARANTEE
16 OBLIGATIONS FOR FISHING VESSEL AND FISHING FACIL-
17 ITY CONSTRUCTION, ETC.—No new guarantee of an obli-
18 gation or commitment to guarantee an obligation under
19 title XI of the Merchant Marine Act, 1936 (46 App.
20 U.S.C. 1271 et seq.) may be made under authority that
21 was vested in the Secretary of Commerce on the day be-
22 fore the effective date of this section (relating to obliga-
23 tions for fishing vessels or fishing facilities), except to the
24 extent the making of such a guarantee was a contractual

1 obligation of the United States on the day before that ef-
2 fective date.

3 (e) TERMINATION OF COMPENSATION UNDER FISH-
4 ERMEN'S PROTECTIVE ACT OF 1967.—No compensation
5 may be paid under section 10 of the Fishermen's Protec-
6 tive Act of 1967 (22 U.S.C. 1980), relating to compensa-
7 tion for damage, loss, or destruction of fishing vessels or
8 fishing gear, except to the extent the compensation was
9 awarded before the effective date of this section.

10 (f) TERMINATION OF COMPENSATION TO FISHERMEN
11 UNDER OUTER CONTINENTAL SHELF LANDS ACT
12 AMENDMENTS OF 1978.—No compensation may be paid
13 under title IV of the Outer Continental Shelf Lands Act
14 Amendments of 1978 (43 U.S.C. 1841 et seq.), except to
15 the extent the compensation was awarded before the effec-
16 tive date of this section.

17 (g) TERMINATION OF MISCELLANEOUS RESEARCH
18 PROGRAMS AND ACCOUNTS.—

19 (1) IN GENERAL.—No funds may be appro-
20 priated in any fiscal year for the following programs
21 and accounts of the National Oceanic and Atmos-
22 pheric Administration:

23 (A) The National Undersea Research Pro-
24 gram.

- 1 (B) The Fleet Modernization, Shipbuilding
2 and Construction Account.
- 3 (C) The Charleston, South Carolina, Spe-
4 cial Management Plan.
- 5 (D) Chesapeake Bay Observation Buoys.
- 6 (E) Federal/State Weather Modification
7 Grants.
- 8 (F) The Southeast Storm Research Ac-
9 count.
- 10 (G) The Southeast United States Carib-
11 bean Fisheries Oceanographic Coordinated In-
12 vestigations Program.
- 13 (H) National Institute for Environmental
14 Renewal.
- 15 (I) The Lake Champlain Study.
- 16 (J) The Maine Marine Research Center.
- 17 (K) The South Carolina Cooperative Geo-
18 detic Survey Account.
- 19 (L) Pacific Island Technical Assistance.
- 20 (M) Sea Grant/Ovster Disease Account.
- 21 (N) National Coastal Research and Devel-
22 opment Institute.
- 23 (O) VENTS program.
- 24 (P) National Weather Service non-Federal,
25 non-wildfire Weather Service.

1 (Q) National Weather Service Regional
2 Climate Centers.

3 (R) National Weather Service Samoa
4 Weather Forecast Office Repair and Upgrade
5 Account.

6 (S) Dissemination of Weather Charts (Ma-
7 rine Facsimile Service).

8 (2) AVAILABILITY OF EXISTING FUNDS.—
9 Funds appropriated before the effective date of this
10 section for a program or account referred to in para-
11 graph (1)—

12 (A) shall remain available for obligation
13 and expenditure until such date for the purpose
14 of terminating the program or account; and

15 (B) shall remain available until expended
16 for the purpose of carrying out existing con-
17 tracts that are in effect on the effective date of
18 this section.

19 (3) SAVINGS PROVISION.—The Administrator of
20 Science and Technology shall take appropriate ac-
21 tion to carry out the termination of programs and
22 accounts referred to in paragraph (1), including the
23 performance of contracts referred to in paragraph
24 (2)(B). There are transferred to the Administrator
25 of Science and Technology all functions relating to

1 such programs and accounts until such time as the
2 Administrator of Science and Technology completes
3 their termination under this paragraph.

4 (h) NAUTICAL AND AERONAUTICAL MAPPING AND
5 CHARTING.—

6 (1) IN GENERAL.—The nautical and aeronauti-
7 cal mapping and charting functions of the National
8 Oceanic and Atmospheric Administration shall be
9 transferred to the Defense Mapping Agency.

10 (2) TERMINATION OF CERTAIN FUNCTIONS.—
11 The Defense Mapping Agency shall terminate any
12 functions transferred to it under paragraph (1) that
13 are performed by the private sector.

14 (i) NESDIS.—There are transferred to the United
15 States Science and Technology Administration all func-
16 tions and assets of the National Oceanic and Atmospheric
17 Administration that on the date immediately before the
18 effective date of this section were authorized to be per-
19 formed by the National Environmental Satellite, Data,
20 and Information System.

21 (j) OAR.—There are transferred to the United States
22 Science and Technology Administration all functions and
23 assets of the National Oceanic and Atmospheric Adminis-
24 tration (including global programs) that on the date imme-
25 diately before the effective date of this section were au-

1 thorized to be performed by the Office of Oceanic and At-
2 mospheric Research.

3 (k) NWS.—

4 (1) IN GENERAL.—There are transferred to the
5 United States Science and Technology Administra-
6 tion all functions and assets of the National Oceanic
7 and Atmospheric Administration that on the date
8 immediately before the effective date of this section
9 were authorized to be performed by the National
10 Weather Service.

11 (2) DUTIES.—To protect life and property and
12 enhance the national economy, the Administrator of
13 Science and Technology, through the National
14 Weather Service, except as outlined in paragraph
15 (3), shall be responsible for the following:

16 (A) Forecasts. The Administrator of
17 Science and Technology, through the National
18 Weather Service, shall serve as the sole official
19 source of severe weather warnings.

20 (B) Issuance of storm warnings.

21 (C) The collection, exchange, and distribu-
22 tion of meteorological, hydrological, climatic,
23 and oceanographic data and information.

1 (D) The preparation of
2 hydrometeorological guidance and core forecast
3 information.

4 (3) LIMITATIONS ON COMPETITION.—The Na-
5 tional Weather Service may not compete, or assist
6 other entities to compete, with the private sector to
7 provide a service when that service is currently pro-
8 vided or can be provided by a commercial enterprise
9 unless—

10 (A) the Administrator of Science and
11 Technology finds that the private sector is un-
12 willing or unable to provide the service: and

13 (B) the service provides vital weather
14 warnings and forecasts for the protection of
15 lives and property of the general public.

16 (4) ORGANIC ACT AMENDMENTS.—

17 (A) AMENDMENTS.—The Act of 1890 is
18 amended—

19 (i) by striking section 3 (15 U.S.C.
20 313); and

21 (ii) in section 9 (15 U.S.C. 317), by
22 striking "Department of" and all that fol-
23 lows thereafter and inserting "United
24 States Science and Technology Administra-
25 tion".

1 (B) DEFINITION.—For purposes of this
2 paragraph, the term “Act of 1890” means the
3 Act entitled “An Act to increase the efficiency
4 and reduce the expenses of the Signal Corps of
5 the Army, and to transfer the Weather Bureau
6 to the Department of Agriculture”, approved
7 October 1, 1890 (26 Stat. 653).

8 (5) REPEAL.—Sections 706 and 707 of the
9 Weather Service Modernization Act (15 U.S.C. 313
10 note) are repealed.

11 (6) CONFORMING AMENDMENTS.—The Weather
12 Service Modernization Act (15 U.S.C. 313 note) is
13 amended—

14 (A) in section 702, by striking paragraph
15 (3) and redesignating paragraphs (4) through
16 (10) as paragraphs (3) through (9), respec-
17 tively; and

18 (B) in section 703—

19 (i) by striking “(a) NATIONAL IMPLE-
20 MENTATION PLAN.—”;

21 (ii) by striking paragraph (3) and re-
22 designating paragraphs (4), (5), and (6) as
23 paragraphs (3), (4), and (5), respectively;
24 and

1 (iii) by striking subsections (b) and
 2 (c).

3 (l) TERMINATION OF COMMISSIONED OFFICER
 4 CORPS.—

5 (1) IN GENERAL.—No commissioned officers
 6 are authorized for the National Oceanic and Atmos-
 7 pheric Administration for any fiscal year after fiscal
 8 year 1996.

9 (2) SEPARATION PAY.—The Administrator of
 10 Science and Technology may separate commissioned
 11 officers from the active list of the National Oceanic
 12 and Atmospheric Administration. Such separation
 13 may be made without providing separation pay.

14 (m) TERMINATION OF NOAA FLEET.—

15 (1) , IN GENERAL.—The NOAA Fleet Mod-
 16 ernization Act (33 U.S.C. 891 et seq.) is repealed.

17 (2) DISPOSITION OF ASSETS.—The Adminis-
 18 trator of the Commerce Programs Resolution Agen-
 19 cy shall attempt to sell to a private sector entity the
 20 assets of the National Oceanic and Atmospheric Ad-
 21 ministration fleet within 18 months after the effec-
 22 tive date specified in section 214(a).

23 (3) REPORT.—If an offer to purchase assets
 24 under paragraph (2) is not received within 18
 25 months after the effective date specified in section

1 214(a), the Commerce Programs Resolution Agency
2 shall submit to the Congress a report that contains
3 recommendations on the appropriate disposition of
4 the assets and functions of the National Oceanic and
5 Atmospheric Administration fleet.

6 (n) LEASING AND CONTRACTING.—

7 (1) CONTRACTING AUTHORITY.—Notwithstand-
8 ing any other provision of law, the Administrator of
9 Science and Technology is authorized to enter into
10 contracts for data or days-at-sea to fulfill the Na-
11 tional Oceanic and Atmospheric Administration mis-
12 sions of marine research, climate research, fisheries
13 research, and mapping and charting services.

14 (2) UNOLS VESSEL AGREEMENTS.—In fulfill-
15 ing the National Oceanic and Atmospheric Adminis-
16 tration mission requirements described in paragraph
17 (1), the Administrator of Science and Technology
18 shall use excess capacity of University National
19 Oceanographic Laboratory System vessels where ap-
20 propriate, and may enter into memoranda of agree-
21 ment with operators of those vessels to carry out
22 those mission requirements.

23 (o) NATIONAL MARINE FISHERIES SERVICE.—

24 (1) TRANSFER OF ENFORCEMENT FUNC-
25 TIONS.—There are transferred to the Secretary of

1 Transportation all functions relating to law enforce-
 2 ment that on the day before the effective date of this
 3 section were authorized to be performed by the Na-
 4 tional Marine Fisheries Service.

5 (2) TRANSFER OF SCIENCE FUNCTIONS.—

6 There are transferred to the United States Science
 7 and Technology Administration all functions relating
 8 to science that on the day before the effective date
 9 of this section were authorized to be performed by
 10 the National Marine Fisheries Service.

11 (3) TRANSFER OF SEAFOOD INSPECTION FUNC-
 12 TIONS.—There are transferred to the Secretary of
 13 Agriculture all functions relating to seafood inspec-
 14 tion that on the day before the effective date of this
 15 section were authorized to be performed by the Na-
 16 tional Marine Fisheries Service.

17 (p) NATIONAL OCEAN SERVICE.—

18 (1) TRANSFER OF GEODESY FUNCTIONS.—

19 There are transferred to the Director of the United
 20 States Geological Survey all functions relating to ge-
 21 odesy that on the day before the effective date of
 22 this section were authorized to be performed by the
 23 National Ocean Service.

24 (2) TRANSFER OF MARINE AND ESTUARINE

25 SANCTUARY FUNCTIONS.—There are transferred to

1 the Secretary of the Interior all functions relating to
2 marine and estuarine sanctuaries that on the day
3 before the effective date of this section were author-
4 ized to be performed by the National Ocean Service.

5 (3) COASTAL OCEAN PROGRAM.—The Coastal
6 Ocean Program of the National Ocean Service shall
7 be transferred to the United States Science and
8 Technology Administration.

9 (4) OFFICE OF OCEAN AND EARTH SCIENCE.—
10 There are transferred to the United States Science
11 and Technology Administration all functions and as-
12 sets of the National Oceanic and Atmospheric Ad-
13 ministration that on the date immediately before the
14 effective date of this section were authorized to be
15 performed by the Office of Ocean and Earth Science
16 of the National Ocean Service.

17 (5) OFFICE OF OCEAN RESOURCE CONSERVA-
18 TION AND ASSESSMENTS.—There are transferred to
19 the United States Science and Technology Adminis-
20 tration all functions and assets of the National Oee-
21 anic and Atmospheric Administration that on the
22 date immediately before the effective date of this
23 section were authorized to be performed by the Of-
24 fice of Ocean Resource Conservation and Assess-
25 ments of the National Ocean Service.

1 SEC. 212. MISCELLANEOUS ABOLISHMENTS.

2 The following agencies and programs of the Depart-
3 ment of Commerce are abolished, and the functions of
4 those agencies or programs are abolished except to the ex-
5 tent otherwise provided in this Act:

6 (1) The Economic Development Administration.

7 (2) The Minority Business Development Admin-
8 istration.

9 (3) The United States Travel and Tourism Ad-
10 ministration.

11 (4) The National Telecommunications and In-
12 formation Administration.

13 (5) The Advanced Technology Program under
14 section 28 of the National Institute of Standards
15 and Technology Act (15 U.S.C. 278n).

16 (6) The Manufacturing Extension Programs
17 under sections 25 and 26 of the National Institute
18 of Standards and Technology Act (15 U.S.C. 278k
19 and 278l).

20 SEC. 213. UNITED STATES SCIENCE AND TECHNOLOGY AD-
21 MINISTRATION.

22 (a) ESTABLISHMENT.—There is established as an
23 independent agency in the Executive Branch the United
24 States Science and Technology Administration (in this
25 section referred to as the "Administration"). The Admin-
26 istration, and all functions and offices transferred to it

1 under this Act, shall be administered under the super-
 2 vision and direction of an Administrator of Science and
 3 Technology. The Administrator of Science and Technology
 4 shall be appointed by the President, by and with the advice
 5 and consent of the Senate and shall receive basic pay at
 6 the rate payable for level II of the Executive Schedule
 7 under section 5312 of title 5, United States Code.

8 (b) PRINCIPAL OFFICERS.—(1) There shall be in the
 9 Administration—

10 (A) a Deputy Administrator who shall, on the
 11 transfer of functions and offices under this Act,
 12 serve as the Administrator of the National Oceanic
 13 and Atmospheric Administration; and

14 (B) a Deputy Administrator who shall, on the
 15 transfer of functions and offices under this Act,
 16 serve as the Director of the National Institute of
 17 Standards and Technology.

18 (2) Each of the Deputy Administrators shall be ap-
 19 pointed by the President, by and with the advice and con-
 20 sent of the Senate. The Deputy Administrators shall re-
 21 ceive basic pay at the rate payable for level III of the Ex-
 22 ecutive Schedule under section 5314 of title 5, United
 23 States Code.

24 (c) CHIEF SCIENTIST; ASSISTANT ADMINISTRA-
 25 TORS.—(1) There shall be in the Administration—

1 (A) a Chief Scientist, who shall, on the transfer
2 of functions and offices under this Act, serve as the
3 Chief Scientist of the National Oceanic and Atmos-
4 pheric Administration:

5 (B) an Assistant Administrator who shall serve
6 as the Chief Financial Officer of the Administration:
7 and

8 (C) an Assistant Administrator for Congres-
9 sional and Intergovernmental Activities.

10 (2) The Chief Scientist and each of the Assistant Ad-
11 ministrators shall be appointed by the President, by and
12 with the advice and consent of the Senate, and shall re-
13 ceive basic pay at the rate payable for level IV of the Exec-
14 utive Schedule under section 5315 of the Executive Sched-
15 ule.

16 (d) OTHER OFFICERS.—There shall be in the Admin-
17 istration the following:

18 (1) A General Counsel, who shall administer
19 the Office of General Counsel. The General Counsel
20 shall be appointed by the President, by and with the
21 advice and consent of the Senate. The General
22 Counsel shall receive basic pay at the rate payable
23 for level IV of the Executive Schedule under section
24 5315 of title 5, United States Code.

1 (2) An Inspector General appointed in accord-
2 ance with the Inspector General Act of 1978. The
3 Inspector General shall receive basic pay at the rate
4 pavable for level IV of the Executive Schedule under
5 section 5315 of title 5, United States Code.

6 (e) TRANSFER OF FUNCTIONS AND OFFICES.—Ex-
7 cept as otherwise provided in this Act, there are trans-
8 ferred to the Administration—

9 (1) the National Oceanic and Atmospheric Ad-
10 ministration, along with all its functions and offices,
11 as provided in section 211;

12 (2) the National Institute of Standards and
13 Technology, along with all its functions and offices,
14 as provided in section 206; and

15 (3) the Office of Space Commerce, along with
16 all its functions and offices.

17 (f) TRANSFER AND ALLOCATION OF APPROPRIA-
18 TIONS AND PERSONNEL.—Except as otherwise provided
19 in this Act, the personnel employed in connection with,
20 and the assets, liabilities, contracts, property, records, and
21 unexpended balance of appropriations, authorizations, al-
22 locations, and other funds employed, held, used, arising
23 from, available to, or to be made available in connection
24 with, the functions and offices, or portions thereof, trans-
25 ferred by this Act, subject to section 1531 of title 31,

1 United States Code, shall be transferred to the Adminis-
2 trator of Science and Technology for appropriate alloca-
3 tion. Unexpended funds transferred pursuant to this sub-
4 section shall be used only for the purposes for which the
5 funds were originally authorized and appropriated. The
6 Administrator of Science and Technology may eliminate
7 positions that are no longer necessary to be filled because
8 of the termination of functions under this section, section
9 206, and section 211.

10 (g) AGENCY TERMINATIONS.—

11 (1) TERMINATIONS.—On the date of the trans-
12 fer of functions and offices under this section, sec-
13 tion 206, and section 211, the following shall termi-
14 nate:

15 (A) The Office of the Deputy Adminis-
16 trator and Assistant Secretary of the National
17 Oceanic and Atmospheric Administration.

18 (B) The Office of the Deputy Under Sec-
19 retary of the National Oceanic and Atmospheric
20 Administration.

21 (2) TERMINATION OF EXECUTIVE SCHEDULE
22 POSITIONS.—Each position which was expressly au-
23 thorized by law, or the incumbent of which was au-
24 thorized to receive compensation at the rate pre-
25 scribed for levels I through V of the Executive

1 Schedule under sections 5312 through 5315 of title
2 5, United States Code, in an office terminated pur-
3 suant to this section, section 206, and section 211
4 shall also terminate.

5 SEC. 214. EFFECTIVE DATE.

6 (a) IN GENERAL.—Except as provided in subsection
7 (b), this title shall take effect on the effective date speci-
8 fied in section 109(a).

9 (b) PROVISIONS EFFECTIVE ON DATE OF ENACT-
10 MENT.—The following provisions of this title shall take ef-
11 fect on the date of the enactment of this Act:

12 (1) Section 201.

13 (2) Section 206 (a)(2) and (d).

14 (3) Section 212.

15 SEC. 215. SENSE OF CONGRESS REGARDING USER FEES.

16 It is the sense of the Congress that the head of each
17 agency that performs a function vested in the agency by
18 this Act should, wherever feasible, explore and implement
19 user fees for the provision of services in the performance
20 of that function, to offset operating costs.

21 **TITLE III—MISCELLANEOUS**
22 **PROVISIONS**

23 SEC. 301. REFERENCES.

24 Any reference in any other Federal law, Executive
25 order, rule, regulation, or delegation of authority, or any

1 document of or pertaining to an office from which a func-
2 tion is transferred by this Act—

3 (1) to the Secretary of Commerce or an officer
4 of the Department of Commerce, is deemed to refer
5 to the head of the department or office to which
6 such function is transferred; or

7 (2) to the Department of Commerce or an
8 agency in the Department of Commerce is deemed
9 to refer to the department or office to which such
10 function is transferred.

11 SEC. 302. EXERCISE OF AUTHORITIES.

12 Except as otherwise provided by law, a Federal offi-
13 cial to whom a function is transferred by this Act may,
14 for purposes of performing the function, exercise all au-
15 thorities under any other provision of law that were avail-
16 able with respect to the performance of that function to
17 the official responsible for the performance of the function
18 immediately before the effective date of the transfer of the
19 function under this Act.

20 SEC. 303. SAVINGS PROVISIONS.

21 (a) LEGAL DOCUMENTS.—All orders, determinations,
22 rules, regulations, permits, grants, loans, contracts, agree-
23 ments, certificates, licenses, and privileges—

24 (1) that have been issued, made, granted, or al-
25 lowed to become effective by the President, the Sec-

1 retary of Commerce, any officer or employee of any
2 office transferred by this Act, or any other Govern-
3 ment official, or by a court of competent jurisdic-
4 tion, in the performance of any function that is
5 transferred by this Act, and

6 (2) that are in effect on the effective date of
7 such transfer (or become effective after such date
8 pursuant to their terms as in effect on such effective
9 date),
10 shall continue in effect according to their terms until
11 modified, terminated, superseded, set aside, or revoked in
12 accordance with law by the President, any other author-
13 ized official, a court of competent jurisdiction, or operation
14 of law.

15 (b) PROCEEDINGS.—This Act shall not affect any
16 proceedings or any application for any benefits, service,
17 license, permit, certificate, or financial assistance pending
18 on the date of the enactment of this Act before an office
19 transferred by this Act, but such proceedings and applica-
20 tions shall be continued. Orders shall be issued in such
21 proceedings, appeals shall be taken therefrom, and pay-
22 ments shall be made pursuant to such orders, as if this
23 Act had not been enacted, and orders issued in any such
24 proceeding shall continue in effect until modified, termi-
25 nated, superseded, or revoked by a duly authorized official,

1 by a court of competent jurisdiction, or by operation of
2 law. Nothing in this subsection shall be considered to pro-
3 hibit the discontinuance or modification of any such pro-
4 ceeding under the same terms and conditions and to the
5 same extent that such proceeding could have been discon-
6 tinued or modified if this Act had not been enacted.

7 (c) SUITS.—This Act shall not affect suits com-
8 menced before the date of the enactment of this Act, and
9 in all such suits, proceeding shall be had, appeals taken,
10 and judgments rendered in the same manner and with the
11 same effect as if this Act had not been enacted.

12 (d) NONABATEMENT OF ACTIONS.—No suit, action,
13 or other proceeding commenced by or against the Depart-
14 ment of Commerce or the Secretary of Commerce, or by
15 or against any individual in the official capacity of such
16 individual as an officer or employee of an office trans-
17 ferred by this Act, shall abate by reason of the enactment
18 of this Act.

19 (e) CONTINUANCE OF SUITS.—If any officer of the
20 Department of Commerce or the Commerce Programs
21 Resolution Agency in the official capacity of such officer
22 is party to a suit with respect to a function of the officer,
23 and under this Act such function is transferred to any
24 other officer or office, then such suit shall be continued

1 with the other officer or the head of such other office, as
2 applicable, substituted or added as a party.

3 SEC. 304. TRANSFER OF ASSETS.

4 Except as otherwise provided in this Act, so much
5 of the personnel, property, records, and unexpended bal-
6 ances of appropriations, allocations, and other funds em-
7 ployed, used, held, available, or to be made available in
8 connection with a function transferred to an official or
9 agency by this Act shall be available to the official or the
10 head of that agency, respectively, at such time or times
11 as the Director of the Office of Management and Budget
12 directs for use in connection with the functions trans-
13 ferred.

14 SEC. 305. DELEGATION AND ASSIGNMENT.

15 Except as otherwise expressly prohibited by law or
16 otherwise provided in this Act, an official to whom func-
17 tions are transferred under this Act (including the head
18 of any office to which functions are transferred under this
19 Act) may delegate any of the functions so transferred to
20 such officers and employees of the office of the official as
21 the official may designate, and may authorize successive
22 redelegations of such functions as may be necessary or ap-
23 propriate. No delegation of functions under this section
24 or under any other provision of this Act shall relieve the

1 official to whom a function is transferred under this Act
2 of responsibility for the administration of the function.

3 SEC. 306. AUTHORITY OF ADMINISTRATOR WITH RESPECT
4 TO FUNCTIONS TRANSFERRED.

5 (a) DETERMINATIONS.—If necessary, the Adminis-
6 trator shall make any determination of the functions that
7 are transferred under this Act.

8 (b) INCIDENTAL TRANSFERS.—The Administrator,
9 at such time or times as the Administrator shall provide,
10 may make such determinations as may be necessary with
11 regard to the functions transferred by this Act, and to
12 make such additional incidental dispositions of personnel,
13 assets, liabilities, grants, contracts, property, records, and
14 unexpended balances of appropriations, authorizations, al-
15 locations, and other funds held, used, arising from, avail-
16 able to, or to be made available in connection with such
17 functions, as may be necessary to carry out the provisions
18 of this Act. The Administrator shall provide for the termi-
19 nation of the affairs of all entities terminated by this Act
20 and for such further measures and dispositions as may
21 be necessary to effectuate the purposes of this Act.

22 SEC. 307. PROPOSED CHANGES IN LAW.

23 Not later than one year after the date of the enact-
24 ment of this Act, the Director of the Office of Manage-
25 ment and Budget shall submit to the Congress a descrip-

1 tion of any changes in Federal law necessary to reflect
2 abolishments, transfers, terminations, and disposals under
3 this Act.

4 SEC. 308. CERTAIN VESTING OF FUNCTIONS CONSIDERED
5 TRANSFERS.

6 For purposes of this Act, the vesting of a function
7 in a department or office pursuant to reestablishment of
8 an office shall be considered to be the transfer of the
9 function.

10 SEC. 309. DEFINITIONS.

11 For purposes of this Act, the following definitions
12 apply:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Commerce
15 Programs Resolution Agency.

16 (2) AGENCY.—The term “Agency” means the
17 Commerce Programs Resolution Agency.

18 (3) FUNCTION.—The term “function” includes
19 any duty, obligation, power, authority, responsibility,
20 right, privilege, activity, or program.

21 (4) OFFICE.—The term “office” includes any
22 office, administration, agency, bureau, institute,
23 council, unit, organizational entity, or component
24 thereof.

1 (5) WIND-UP PERIOD.—The term “wind-up pe-
2 riod” means the period beginning on the effective
3 date specified in section 109(a) and ending on the
4 termination date specified in section 106(d).

5 SEC. 310. LIMITATION ON ANNUAL EXPENDITURES FOR
6 CONTINUED FUNCTIONS.

7 The amount expended by the United States each fis-
8 cal year for performance of a function which immediately
9 before the effective date of this section was authorized to
10 be performed by an agency, officer, or employee of the De-
11 partment of Commerce may not exceed 75 percent of the
12 total amount expended by the United States for perform-
13 ance of that function during fiscal year 1994.

The CHAIRMAN. The gentleman is recognized.

Mr. BROWN. And I will not object, but I do want to raise a parliamentary question which I think might help the members as they proceed with the consideration of your substitute.

The parliamentary question is that my understanding was that the bill, the underlying bill, was referred to the Science Committee only with respect to matters within the Committee's jurisdiction, yet your substitute, which we have before us, includes the entire text of the original bill including many agencies' and issues that are not within the Committee's jurisdiction.

Am I correct in assuming it would not be in order to offer amendments to your substitute relating to matters not within the Committee's jurisdiction?

The CHAIRMAN. The Chair has very definitely limited the substitute to matters that are in the jurisdiction of this Committee, and has not in any way acted on the bill in any area which is not under the jurisdiction of this Committee, and the Chair thinks it would be inappropriate to amend matters not within the jurisdiction of this Committee.

Mr. BROWN. Further reserving the right to object, I understand that your amendment includes the termination of the Economic Development Administration.

The CHAIRMAN. I would say to the gentleman that that is a part of the underlying bill. It was not touched at all by anything that we did.

The only action within the substitute that changes the underlying bill in any way are actions that are directly within the jurisdiction of this Committee.

Mr. BROWN. I think I understand and agree with the Chairman's position, but just to rephrase it briefly:

It would then not be in order for a member to seek to amend those portions of the underlying bill which are not within our jurisdiction and which you did not include?

The CHAIRMAN. The gentleman is correct.

Mr. BROWN. All right.

I thank the gentleman very much for that clarification.

[Pause.]

The CHAIRMAN. Furthermore, I ask unanimous consent that members proceed with amendments in the order on the roster.

Mr. ROHRBACHER. Mr. Chairman, I move that the first reading of the bill be dispensed with.

The CHAIRMAN. We do not need a motion here if we can get a unanimous consent agreement.

Without objection?

[No response.]

The CHAIRMAN. The first amendment on the roster then would be the gentleman from Texas, Mr. Barton.

Is he available?

[No response.]

The CHAIRMAN. Is Mr. Barton here?

[No response.]

The CHAIRMAN. Well in that case then let's go to Mr. Davis for the first amendment because I think that this is one which is ac-

ceptable, and so the amendment I believe is in the members' packets?

Oh, here he is. Okay, Mr. Barton.

Mr. BARTON. Thank you, Mr. Chairman.

I have an amendment at the desk.

The CHAIRMAN. The clerk will report the amendment.

Mr. BARTON. Mr. Chairman, I ask unanimous consent that it be considered as read.

The CHAIRMAN. Without objection.

[No response.]

[The amendment follows:]

AMENDMENT TO H.R. 1756
OFFERED BY MR. BARTON OF TEXAS

In section 206(b) (page 30, after line 5), insert the following new paragraph (3):

1 (3) PROVISION OF SERVICES BY PRIVATE SEC-
2 TOR.—The Administrator of Science and Technology
3 shall consider proposals from experienced and quali-
4 fied private-sector entities to provide services that,
5 immediately before the effective date specified in sec-
6 tion 214(a), were performed by the Technology Ad-
7 ministration, particularly foreign competitive tech-
8 nology assessments. The Administrator of Science of
9 Technology shall ensure that a private-sector entity
10 providing services under this paragraph pays not
11 less than 20 percent of the total cost of providing
12 the service. The Administrator of Science and Tech-
13 nology shall require that proposals to provide a serv-
14 ice that are accepted under this paragraph satisfy
15 user needs better than, and provide such service at
16 a lower cost than, the service could be provided by
17 the Federal Government.

Mr. BARTON. Mr. Chairman, what this amendment will do, I believe, is save the taxpayers money, privatize a few projects where appropriate, and improve the service that the Commerce Department now provides to businesses, consortia, and universities. It does not cost any money or create any new program.

The amendment is to Section 206 concerning the Technology Administration. Under the amendment in the nature of a substitute, the United States Science and Technology Administration will perform the duties of the current Technology Administration within the Department of Commerce.

The Technology Administration conducts assessments of foreign competitive technology capabilities and makes them available to end users in the United States like businesses and research institutions. These assessments are important and should be conducted.

However, and perhaps not surprisingly, the Federal Government is not always a cost efficient and effective provider of these services.

A recent GAO report identified duplication and redundancy in the government. Up to 60 agencies are trying to do this same work, often on the same issue.

Also, the information reports are not always the type of information that the American industry needs; the assessments are not market-driven.

Some private organizations such as MCC in Austin, Texas, are experienced in doing these kinds of assessments. Their expertise in providing leading edge work should be harnessed to the benefit of the businesses in this country, particularly when it saves taxpayer dollars.

Under my amendment, the director of the new Science and Technology Administration will consider proposals from experienced and qualified private sector entities to provide services that are now provided by the Technology Administration, particularly foreign competitive technology assessments.

Private sector entities will have to provide matching funds for the project, no less than 20 percent of the total cost.

Finally, the Director will require that proposals to provide a service will do two important things:

Number one, satisfy user needs better than the Federal Government;

And number two, provide the service at a lower cost than the Federal Government.

Mr. Chairman and members of the Committee, we should privatize elements of the Federal Government where it makes sense. In this case, privatizing the Technology Assessments just might save money and serve the needs of the end user better.

All this amendment does is give proposals for privatizations a fair chance to be heard.

I would ask that we would accept the amendment.

The CHAIRMAN. The Chair is prepared to accept the amendment. Is there further discussion on the amendment?

Mr. BROWN. Mr. Chairman?

The CHAIRMAN. The gentleman from California.

Mr. BROWN. Mr. Chairman, on our side I do not think that we have any objections to this particular amendment.

At some point, I am going to raise the issue of whether or not the proposals in your substitute as a whole save money, including some of these amendments, whether they will save money or add to the cost. But I will defer that temporarily until another time.

The CHAIRMAN. The question then is on the amendment.

All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it. The amendment is adopted.

The CHAIRMAN. Mr. Davis?

Mr. DAVIS. Mr. Chairman, my amendment does not save money or cost money, because the National Technical Information Services now—really there is no line item in the budget—there was nothing appropriated for it this year.

My amendment seeks to preserve the NTIS while laying the groundwork which will lead to the establishment of the National Technical Information Services as a government corporation.

As most of us in this room recognize, the NTIS is the scientific and technical memory of this Nation. Our Nation's students, teachers, engineers, scientists, and small business owners often turn to NTIS when in need of vital information.

The NTIS is a collection of over two million documents relating to energy, aerospace, defense and environmental research development technologies.

In short, it provides critical information to the citizens of our Nation every day.

Reorganizing NTIS as a government corporation, as my amendment proposes, gives Congress the opportunity to maintain its oversight but continues the advantages of the existing organization and it allows for a reduction of red tape leading to an NTIS that works better.

I offer this amendment today because of my concern that putting NTIS in the hands of the private sector diminishes the strength and value of this fine, efficient organization.

In the hands of a single, private sector entity, there is no guarantee that the information will be managed in the best interests of this Nation.

Can you imagine NTIS in the hands of a non-U.S.-based company? The result could be disastrous.

Privatizing NTIS could lead to a greater access to information to foreign governments and limited access to U.S. citizens.

Additionally, the privatization of NTIS puts the U.S. at a competitive disadvantage when it comes to the sharing of scientific and technical data with other Nations.

As a government entity, either in its current form or as a government corporation, NTIS has access to a great deal of information from other governments.

Will this information be as readily available to private sector organizations? I do not believe so.

As a government corporation, NTIS maintains its current advantage of being a government entity while also having the fiscal and managerial advantages and accountabilities of private enterprise.

Under the government corporation structure, the NTIS will operate as a small, private business rather than as a bureaucracy. This inherently gives it the freedom to make its own procurement, personnel, budget and business decisions.

However, the government and the Congress, under this structure, will maintain full policy control of NTIS. This assures continued access to its vital technical and scientific documents.

The knowledge we have gained over the last 50 years of R&D investments at NTIS is essential to the scientific and technical development of this Nation as we move into the 21st century.

And I urge my colleagues to support this amendment.

[The amendment follows:]

AMENDMENT TO H.R. 1756**OFFERED BY MR. DAVIS**

Page 30, lines 8 through 23, strike paragraphs (1) and (2) of section 206(c) and insert the following new paragraphs:

1 (1) GOVERNMENT CORPORATION.—The Com-
2 merce Programs Resolution Agency shall submit to
3 Congress a proposal for legislation to establish the
4 National Technical Information Service as a wholly-
5 owned Government corporation within 6 months
6 after the effective date specified in section 214(a).
7 The proposal should provide for the corporation to
8 perform substantially the same functions that, as of
9 the date of the enactment of this Act, are performed
10 by the National Technical Information Service.

11 (2) TRANSFER TO USSTA.—Not later than 18
12 months after the effective date specified in section
13 214(a), the National Technical Information Service
14 (or, if there has been enacted legislation described in
15 paragraph (1), the corporation referred to in that
16 paragraph) shall be transferred to the United States
17 Science and Technology Administration.

The CHAIRMAN. Would the gentleman yield?

Mr. DAVIS. I would be happy to.

The CHAIRMAN. I just want to make certain that the gentleman's intent in moving to the corporation is to have it be a self-funded entity, and that it will add no cost to the government.

The reason why I raised the question was: In fiscal year 1995, this particular item of the budget cost us \$7 million.

It is not our desire to see something created here that becomes an additional line item spending stream for the Federal Government.

The gentleman is correct in saying that there was no money allocated for it this year, but in fiscal 1995, there was \$7 million.

Do I understand it is the intention of the gentleman that this be at no cost to the government?

Mr. DAVIS. Not only is it the intention, Mr. Chairman, page 31 of your substitute amendment at the top, Section 3 is not stricken, so the language remains that no federal funds may be appropriated for the NTIS for any fiscal year after fiscal year 1995.

The CHAIRMAN. Well I just want to make certain that the gentleman's—

Mr. DAVIS. That is correct.

The CHAIRMAN [continuing]. Amendment is in line with that intent.

Mr. DAVIS. That is correct.

The CHAIRMAN. And I thank the gentleman.

The gentleman from Michigan.

Mr. EHLERS. Thank you, Mr. Chairman.

I rise in strong support of this amendment. I think it is far superior to the language and the intent that was in the original bill that came before us.

This is a very important agency that I have used personally a number of times. It is important to maintain the impartiality of the data that is collected and compiled and published, and it is a very useful agency to the entire scientific community.

I think having it operate as a government corporation is certainly far superior than privatizing it, as the bill does, without specifying exactly what that would entail and what the restrictions upon it would be.

So I strongly support the Davis amendment.

The CHAIRMAN. Further amendments?

Mr. Doyle.

Mr. BROWN. Mr. Chairman?

Mr. DOYLE. Thank you, Mr. Chairman—

The CHAIRMAN. The gentleman from California. I did not realize—

Mr. BROWN. Are you asking for additional amendments before we dispose of this one?

The CHAIRMAN. No, no.

I am seeking to allow people to speak for and against this amendment.

Mr. BROWN. All right. I would like to speak in support of the amendment.

The CHAIRMAN. The gentleman is recognized.

Mr. BROWN. Mr. Chairman, I want to commend the author of the amendment, who has obviously devoted considerable time to understanding the operations of this organization.

It has been a number of years since I have spent much time with it, but I was impressed with the activities that were going on and, at the time, at some of the unmet needs which have subsequently been met through the additional investments that have been made in the operation.

The funding that was referred to, the \$7 million, was actually a one-time investment in upgrading the capabilities of the organization and will not need to be repeated.

On the other hand, it has resulted in a considerable upgrading of the capability of the NTIS, so that it can better serve the public.

I would hope, and I am just saying this from the standpoint of advice, that more members would take advantage of the opportunity to actually visit and get acquainted with the work being done by some of the organizations which we are proposing to either eliminate or scatter throughout the Federal Government in one form or another because, as Mr. Davis obviously has done in studying the operation of NTIS, because I think it would enable us to legislate much more effectively.

And I again thank the gentleman for his excellent amendment.

Mr. DOYLE. Mr. Chairman?

The CHAIRMAN. Mr. Doyle.

Mr. DOYLE. Thank you, Mr. Chairman. I will be brief.

I just want to thank and offer my support to Mr. Davis for his thoughtful amendment.

During the Tuesday hearings, many of us, myself included, expressed serious reservations about privatizing NTIS.

I think what he has come up with here is a much better alternative, so I just would just urge members to support this amendment.

The CHAIRMAN. I thank the gentleman.

Mr. Boehlert.

Mr. BOEHLERT. Mr. Chairman, I am very supportive of Mr. Davis' amendment. Over the years, this subject has been broached, and each time there have been detailed studies. All of those studies, including the Grace Commission, have recommended that NTIS remain under its present configuration.

So I would strongly support the Davis amendment.

The CHAIRMAN. Ms. Morella.

Mrs. MORELLA. Thank you.

Mr. Chairman, I also want to commend Mr. Davis for his efforts to make NTIS a government corporation. This proposal was made by the NTIS advisory board witnesses on Tuesday.

As Chair of the Technology Subcommittee that has jurisdiction over NTIS, I certainly would be happy to work closely with the gentleman from Virginia on this important issue. I support it.

The CHAIRMAN. Are there further members that wish to be heard on the amendment?

[No response.]

The CHAIRMAN. If not, the Chair will put the question.

Those in favor of the amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[No response.]

The CHAIRMAN. The ayes have it. The amendment is agreed to.

Ms. Harman.

Ms. HARMAN. I have an amendment at the desk. It is in slightly different form, I believe, than the one that is in the package.

The CHAIRMAN. The Clerk will report the amendment. As I understand it, the different amendments you have are merely technical corrections?

Ms. HARMAN. That is correct, Mr. Chairman. I do not think there is any need to review the change, but——

The CHAIRMAN. We do not see any problem with the technical changes. The gentlelady will describe her amendment.

[The amendment follows:]

AMENDMENT TO H.R. 1756**OFFERED BY MS. HARMAN**

Page 31, lines 13 through 15, strike “including the programs established under sections 25, 26, and 28” and insert “including the programs established under sections 25 and 26”.

Page 31, lines 20 and 21, strike “by striking sections 24, 25, 26, and 28” and insert “by striking sections 24, 25, and 26”.

Page 55, lines 13 through 15, strike paragraph (5) of section 212.

Ms. HARMAN. All right, thank you.

Mr. Chairman, I listened carefully to the brief opening remarks, and especially to the remarks of my friend, Mrs. Morella.

This bill offers some tough choices, and I am certainly one who is prepared to make those.

But as I said in questions a couple days ago to the Bush Administration Secretary of Commerce when she testified here, I think we are shortsighted if we eliminate funding for the critical technology programs.

So in that spirit, my amendment is simple and straightforward. It strikes the Chrysler bill's provisions, which would terminate Commerce's Advanced Technology Program, ATP.

Putting our fiscal house in order by balancing the budget is crucial. I am a balanced budget supporter and voted for the coalition budget to put us in balance over seven years.

We cannot, however, jeopardize our Nation's future by making reckless cuts in technology. This is not a time that we should be eliminating the ATP.

As reported in yesterday's Wall Street Journal, our trade deficit is now at an all time high, widening to almost \$44 billion. Hundreds of thousands of aerospace and defense workers have been laid off around the Nation, eroding our high tech industrial base.

The Federal Government must not retreat from the fight for technology but must play an active role as partner with the private sector in moving technology policy forward.

That is what ATP does by funding high risk, high reward technologies which would not be funded if only the private sector were left to do it.

The private sector's focus is on immediate bottomline success, and that has left a void in long-term R&D. The ATP is necessary if we are to fill this void and support technologies with tremendous potential future payoffs to society.

As we heard the other day, and as I think every member of this Committee knows, the ATP is industry-driven with research priorities set by the private sector, not by the government.

Industry commitment to such research is ensured by the ATP's cost-sharing requirements.

ATP is not a political program. It was initiated by the Bush Administration. All of its awards are competitively bid.

Science Committee members have already spoken on the ATP in this Congress, and have given the program a strong endorsement.

In June, Mrs. Morella's Technology Subcommittee voice-voted legislation to authorize the ATP with "such sums as may be appropriated."

In July during Floor consideration of an amendment to the Commerce, Justice and State Appropriations Bill, 27 members of this Committee voted to restore funding for the ATP.

The Senate Appropriations Committee has reported a bill which appropriates \$76.6 million for the MEP, which will be the subject of the next amendment offered by my friend, Mr. Boehlert, and existing ATP awards.

The termination of ATP under the Chrysler bill would preclude even this continuation of existing grants.

In our hearing earlier this week on the Chrysler bill, not one member of the NIST panel testified that ATP should be dismantled.

In fact, Robert Hermann, the Senior VP of United Technologies, stated that "the extramural programs of NIST, and that is the ATP, the MEP and the Baldrige Award, are in my view sound programs, are contributing to the economic health of our Nation, and are a wise use of taxpayer money."

The only witness advocating termination of the ATP was former Commerce Secretary, Barbara Franklin, and this is the same Secretary Franklin who said, in 1992, when she was the Commerce Secretary, that "the ATP is an excellent example of the kind of practical partnership between industry and government that can lay the foundations today for commercial success in world markets tomorrow."

Secretary Franklin stated she's changed her mind because the ATP has been turned into a politically driven pork barrel project. But when asked what details she had, she had none to provide.

The CHAIRMAN. The time of the gentlelady has expired.

Ms. HARMAN. In sum, I urge the support of my amendment. And I guess my time has expired, so I yield back.

The CHAIRMAN. The time of the gentlelady has expired.

Are there other members that wish to be heard on the amendment?

[No response.]

The CHAIRMAN. If there aren't, the Chair would close the debate with a statement. I appreciate the gentlelady's advocacy of her amendment.

Secretary Franklin did in fact testify against it when she was here the other day because the program has not met the goals that it has even outlined for itself.

And in fact the successes that the ATP program claims for itself have been roundly rejected by the General Accounting Office, the GAO.

In fact, the GAO testified before the Budget Committee just yesterday, and said in no uncertain terms that of the six criteria that the ATP gave for itself to measure its success, none of those criteria could be fully justified. And in several cases that the ATP had grossly overstated its successes.

For example, in the testimony yesterday, the GAO agreed with my assessment that their own survey of ATP showed that 80 percent of the participants said that they would have or might have pursued the research being done even without the ATP being in place. Eighty percent of the research would have or might have been done even without the ATP being in place.

And so this is a program that insofar as it is industry driven, it is simply industry taking money from government that it would otherwise spend on its own.

And in the case of the non-industry driven portions of it, it has become a highly politicized program where it has had substantial amounts of money thrown into it, and as a result of all the money that was available, has not been able to sufficiently peer review the projects, and so therefore has politicized the nature of the technology.

I think that that is exactly the wrong direction. The GAO gives us every reason to believe that this is not a program that should be continued, and this is a matter where the House has already made its determination.

The House voted earlier this year to eliminate this program, and in my view, we ought to follow the House's direction in what we do here today.

With that, the Chair would put the question.

Those in favor of the amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair, the noes have it.

Ms. HARMAN. Mr. Chairman, I would ask for a roll call vote.

The CHAIRMAN. The gentlelady asks for a roll call vote. Those in favor will vote yes, those opposed will vote no.

The Clerk will call the roll.

The CLERK. Mr. Walker.

The CHAIRMAN. No.

The CLERK. Mr. Walker votes no.

Mr. Sensenbrenner.

Mr. SENSENBRENNER. No.

The CLERK. Mr. Sensenbrenner votes no.

Mr. Boehlert.

Mr. BOEHLERT. Yes.

The CLERK. Mr. Boehlert votes yes.

Mr. Fawell.

Mr. FAWELL. No.

The CLERK. Mr. Fawell votes no.

Mrs. Morella.

Mrs. MORELLA. Yes.

The CLERK. Mrs. Morella votes yes.

Mr. Weldon of Pennsylvania.

Mr. CURT WELDON (PA). No.

The CLERK. Mr. Weldon votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

The CLERK. Mr. Rohrabacher votes no.

Mr. Schiff.

[No response.]

The CLERK. Mr. Barton.

Mr. BARTON. No.

The CLERK. Mr. Barton votes no.

Mr. Calvert.

Mr. CALVERT. No.

The CLERK. Mr. Calvert votes no.

Mr. Baker.

Mr. BAKER. No.

The CLERK. Mr. Baker votes no.

Mr. Bartlett.

Mr. BARTLETT. No.

The CLERK. Mr. Bartlett votes no.

Mr. Ehlers?

Mr. EHLERS. No.

The CLERK. Mr. Ehlers votes no.
 Mr. Wamp?
 Mr. WAMP. No.
 The CLERK. Mr. Wamp votes no.
 Mr. Weldon of Florida?
 [No response.]
 The CLERK. Mr. Graham?
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham votes no.
 Mr. Salmon?
 Mr. SALMON. No.
 The CLERK. Mr. Salmon votes no.
 Mr. Davis?
 [No response.]
 The CLERK. Mr. Stockman?
 Mr. STOCKMAN. No.
 The CLERK. Mr. Stockman votes no.
 Mr. Gutknecht?
 Mr. GUTKNECHT. No.
 The CLERK. Mr. Gutknecht votes no.
 Mrs. Seastrand?
 Mrs. SEASTRAND. No.
 The CLERK. Mrs. Seastrand votes no.
 Mr. Tiahrt?
 Mr. TIAHRT. No.
 The CLERK. Mr. Tiahrt votes no.
 Mr. Largent?
 Mr. LARGENT. No.
 The CLERK. Mr. Largent votes no.
 Mr. Hilleary?
 [No response.]
 The CLERK. Mrs. Cubin?
 Mrs. CUBIN. No.
 The CLERK. Mrs. Cubin votes no.
 Mr. Foley?
 Mr. FOLEY. No.
 The CLERK. Mr. Foley votes no.
 Mrs. Myrick?
 Mrs. MYRICK. No.
 The CLERK. Mrs. Myrick votes no.
 Mr. Brown?
 Mr. BROWN. Aye.
 The CLERK. Mr. Brown votes yes.
 Mr. Hall?
 [No response.]
 The CLERK. Mr. Traficant?
 [No response.]
 The CLERK. Mr. Hayes?
 [No response.]
 The CLERK. Mr. Tanner?
 Mr. TANNER. Yes.
 The CLERK. Mr. Tanner votes yes.
 Mr. Geren?
 Mr. GEREN. No.

The CLERK. Mr. Geren votes no.

Mr. Roemer?

Mr. ROEMER. Aye.

The CLERK. Mr. Roemer votes yes.

Mr. Cramer?

Mr. CRAMER. Aye.

The CLERK. Mr. Cramer votes yes.

Mr. Barcia?

Mr. BARCIA. No.

The CLERK. Mr. Barcia votes no.

Mr. McHale?

Mr. MCHALE. Yes.

The CLERK. Mr. McHale votes yes.

Ms. Harman?

Ms. HARMAN. Yes.

The CLERK. Ms. Harman votes yes.

Ms. Johnson?

Ms. JOHNSON. Yes.

The CLERK. Ms. Johnson votes yes.

Mr. Minge?

[No response.]

The CLERK. Mr. Olver?

[No response.]

The CLERK. Mr. Hastings?

Mr. HASTINGS. Aye.

The CLERK. Mr. Hastings votes yes.

Ms. Rivers?

[No response.]

The CLERK. Ms. McCarthy.

[No response.]

The CLERK. Mr. Ward.

[No response.]

The CLERK. Ms. Lofgren.

Ms. LOFGREN. Yes.

The CLERK. Ms. Lofgren votes yes.

Mr. Doggett?

[No response.]

The CLERK. Mr. Doyle.

Mr. DOYLE. Yes.

The CLERK. Mr. Doyle votes yes.

Ms. Jackson-Lee?

Ms. JACKSON-LEE. Aye.

The CLERK. Ms. Jackson-Lee votes yes.

Mr. Luther?

Mr. LUTHER. Yes.

The CLERK. Mr. Luther votes yes.

The CHAIRMAN. Are there additional members that wish to be recorded?

Mr. WELDON (FL). Mr. Chairman, how am I recorded?

The CHAIRMAN. Mr. Weldon?

Mr. WELDON (FL). How am I recorded?

The CHAIRMAN. How is Mr. Weldon recorded?

The CLERK. Mr. Weldon is not recorded.

Mr. WELDON (FL). Mr. Weldon votes no.

The CLERK. Mr. Weldon votes no.

The CHAIRMAN. Mr. Davis?

Mr. DAVIS. Am I recorded?

[Pause.]

Mr. DAVIS. Yes.

The CLERK. Mr. Davis votes yes.

The CHAIRMAN. Is Mr. Largent recorded?

The CLERK. Yes, Mr. Largent is recorded.

The CHAIRMAN. Any other members?

[No response.]

The CHAIRMAN. If there are no other members wishing to be recorded in their vote, the Clerk will report.

The CLERK. Mr. Chairman, the vote is recorded: Yes, 15; No, 25.

The CHAIRMAN. The amendment is not agreed to.

COMMITTEE ON SCIENCE - 104TH CONGRESS ***** ROLL CALL

SUBJECT: HR 1756: Amendment by Mrs. Harman #4

Rm.	Phone	Name	Present	Absent	Yes	No	Not Voting
2369	52411	Mr. Walker, R-PA					
2332	55101	Mr. Sensenbrenner, R-WI				2	
2246	53665	Mr. Boehler, R-NY					
2159	53515	Mr. Fawell, R-IL				3	
106	55341	Mrs. Morella, R-MD			2		
2452	52011	Mr. Curt Weldon, R-PA				4	
2338	52415	Mr. Rohrabacher, R-CA				5	
2404	56316	Mr. Schiff, R-NM					—
2264	52002	Mr. Barton, R-TX				6	
1034	51986	Mr. Calvert, R-CA				7	
1724	51880	Mr. Baker, R-CA				8	
322	52721	Mr. Bartlett, R-MD				9	
1717	53831	Mr. Ehlers, R-MI				10	
423	53271	Mr. Wamp, R-TN				11	
216	53671	Mr. Dave Weldon, R-FL				25	—
1429	55301	Mr. Graham, R-SC				12	
115	52635	Mr. Salmon, R-AZ				13	
415	51492	Mr. Davis, R-VA			15		—
417	56565	Mr. Stockman, R-TX				14	
425	52472	Mr. Gutknecht, R-MN				15	
1216	53601	Mrs. Seastrand, R-CA				16	
1319	56216	Mr. Tiahrt, R-KS				17	
410	52211	Mr. Largent, R-OK				18	
114	56831	Mr. Hilleary, R-TN				22	—
1114	52311	Mrs. Cubin, R-WY				19	
506	55792	Mr. Foley, R-FL				20	
509	51976	Mrs. Myrick, R-NC				21	
2300	56161	Mr. Brown, D-CA			3		
2236	56673	Mr. Hall, D-TX					—
2446	55261	Mr. Traficant, D-OH					—
2432	52031	Mr. Hayes, D-LA					—
1127	54714	Mr. Tanner, D-TN			4		
2448	55071	Mr. Geren, D-TX				23	
407	53915	Mr. Roemer, D-IN			5		
236	54801	Mr. Cramer, D-AL			6		
1410	58171	Mr. Barcia, D-MI				24	
217	56411	Mr. McHale, D-PA			7		
325	58220	Ms. Harman, D-CA			8		
1123	58885	Ms. Johnson, D-TX			9		
1415	52331	Mr. Minge, D-MN					—
1027	55335	Mr. Oliver, D-MA					—
1039	51313	Mr. Hastings, D-FL			10		
1116	56261	Ms. Rivers, D-MI					—
1232	54535	Ms. McCarthy, D-MO					—
1032	55401	Mr. Ward, D-KY					—
118	53072	Ms. Lofgren, D-CA			11		
126	54865	Mr. Doggett, D-TX					—
1218	52135	Mr. Doyle, D-PA			12		
1520	53816	Ms. Jackson Lee, D-TX			13		
1419	52271	Mr. Luther, D-MN			14		
		TOTAL			15	25	

Attest: Patricia Schwartz (Clerk)

The CHAIRMAN. Mr. Boehlert?

Mr. BOEHLERT. Mr. Chairman, I have an amendment at the desk. I think it may have already been distributed.

I will be brief because the Committee has already approved a similar amendment during markup of the NIST authorization.

The CHAIRMAN. The amendment is in the package, is that correct?

Mr. BOEHLERT. I believe it is.

The CHAIRMAN. It is the amendment in the package?

Mr. BOEHLERT. In the package, yes.

The CHAIRMAN. The gentleman is recognized.

[The amendment follows:]

(5)

AMENDMENT TO H.R. 1756

**OFFERED BY MR. BOEHLERT (FOR HIMSELF AND
MRS. MORELLA, MR. CALVERT, MR. GRA-
HAM, AND MR. MCHALE)**

Page 31, lines 14 and 15, strike "the programs es-
tablished under sections 25, 26, and 28" and insert "the
program established under section 28".

Page 31, lines 20 and 21, strike "sections 24, 25,
26, and 28" and insert "sections 24 and 28".

Page 55, lines 16 through 19, strike paragraph (6)
of section 212.

Mr. BOEHLERT. This amendment simply retains the statutory authority for the Manufacturing Extension Program. That program helps small manufacturers take advantage of the latest technical information.

It is a successful technology extension program that gets information out to companies that would be unlikely to get the information any other way.

I was talking just the other day to Mr. Tiahrt and he was talking about an example in his district of a company that was helped, and as a result of that help, the company expanded, created more jobs and more wealth. That is just the type of thing we want to encourage.

The program has broad support and the House has passed an \$81 million appropriation for the program for next year.

This amendment authorizes no additional money. It simply keeps the future of this program out of the debate over the future of the Commerce Department as a whole.

This Committee has been supportive of the Manufacturing Extension Program in the past and I believe the support should and will continue.

Thank you, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to accept the amendment. Mr. McHale I know wishes to be recognized. I recognize him.

Mr. MCHALE. Thank you, Mr. Chairman.

Mr. Chairman, I speak on behalf of the amendment as a co-sponsor and I thank Mr. Boehlert for his leadership on the issue.

On June 28th, 1995, during our markup on H.R. 1870, the American Technology Advancement Act of 1995, this Committee, the House Science Committee, approved by voice vote the McHale-Boehlert amendment to open the door to future funding for the Manufacturing Extension Partnership Program at the National Institute of Standards and Technology.

That same day, the House Appropriations Subcommittee on Commerce, Justice, and State and Judiciary, approved funding in the amount of \$81.1 million for the Manufacturing Extension Partnership Program.

This level of funding was later approved by the full House on July 26th, 1995.

The Chrysler bill, H.R. 1756, and the Walker substitute to that bill both proposed the elimination of MEP, a stance inconsistent with our actions on our Committee and with the actions of the House of Representatives.

I now join with Representative Boehlert and my republican colleagues in proposing this amendment to preserve the on-going valuable work of the Manufacturing Extension Partnership Program.

Mr. BOEHLERT. Will my colleague yield?

Mr. MCHALE. I certainly will.

Mr. BOEHLERT. Well, thank you.

I would like to point out too that Mr. Calvert has been very instrumental in seeing that this program continues as has Mrs. Morella and Mr. Graham.

I mean, this is one that is enjoyed wide bipartisan support and I thank my colleague for yielding.

Mr. McHALE. And very clearly, without the leadership of all the members just mentioned by Mr. Boehlert, we would not be considering this amendment. I am pleased to join with my colleagues.

Mr. Chairman, in the interests of time, I will submit the balance of my statement which is fairly specific in documenting the success of MEP in my own district.

This is a program that has a clear, proven track record of support within the business community and effective return on investment.

I will simply note in closing that our experience has been that for every dollar of federal investment, there has been an eight dollar return within the private sector.

I therefore urge my colleagues on both sides of the aisle to support the Boehlert amendment.

Thank you, Mr. Chairman.

[The full statement of Mr. McHale follows:]

Statement of Congressman Paul McHale
In Support of The Boehlert/McHale Amendment

- o On June 28, 1995, during our markup of H.R. 1870 the American Technology Advancement Act of 1995, the House Science Committee approved, by voice vote, the McHale/Boehlert amendment to open the door to future funding for the Manufacturing Extension Partnership Program at the National Institute of Standards and Technology.
- o That same day, the House Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary approved funding in the amount of \$81.1 million for the Manufacturing Extension Partnership program. This level of funding was later approved by the full House on July 26, 1995.
- o The Chrysler bill, H.R. 1756, and the Walker substitute to the Chrysler bill, both propose elimination of the MEP program, a stance inconsistent with the actions of our committee and with the actions of the House of Representatives.
- o I join with Representative Boehlert and my Republican colleagues in proposing this amendment to preserve the ongoing, valuable work of the Manufacturing Extension Partnership program. While we look to options to streamline our government and seek out efficiencies, we must be sure to recognize, and in fact, promote successful, proven programs such as the Manufacturing Extension Partnership.
- o Begun in the Reagan Administration, the MEP program currently supports 44 extension centers in 32 states, including the North/East Pennsylvania Manufacturing Extension Partnership program, located within my Congressional District. According to Mrs. Edith Ritter, Executive Director of the Manufacturers Resource Center -- this MEP center receives 50% of its funding from NIST sources and "was able to provide project assistance to 324 manufacturing companies in its first year of operation." Within the State of Pennsylvania, the Manufacturing Extension Partnership program serves 75% of Pennsylvania's manufacturing base and has proven an effective means of integrating Pennsylvania's existing technology development and deployment programs, and providing our small and medium sized manufacturers with a range of services from product commercialization to production. Further, MEP customer firms nationwide report a benefit of \$8 for each \$1 of Federal investment.
- o Therefore, ^Iurge support for final passage of this amendment.

The CHAIRMAN. As I say, the Chair is prepared to take the amendment.

Are there further amendments or further members that wish to be heard on the amendment?

[No response.]

The CHAIRMAN. If not, the Chair will put the question.

Those in favor of the amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[No response.]

The CHAIRMAN. The amendment is agreed to.

Mr. GEREN. Mr. Chairman?

The CHAIRMAN. Mr. Geren.

Mr. GEREN. Mr. Chairman, before you go to the next amendment, could I make a parliamentary inquiry?

The CHAIRMAN. The gentleman is recognized.

Mr. GEREN. Following up on a question asked by Mr. Brown, the substitute covers more subjects than are under our jurisdiction, such as the termination of the Economic Development Administration.

And we as a Congress have already voted this year on the Economic Development Administration. There was an effort to terminate it, and it survived.

Are we, when we vote for final passage on this bill, if one were to vote for it, it would seem to me that it would appear that we are voting as a Committee to terminate the Economic Development Administration.

Would it be appropriate to offer an amendment on that aspect of the bill, even though it is not within the jurisdiction of this Committee to show that if we do support your final proposal, that we do not choose to vote to terminate the Economic Development Administration?

The CHAIRMAN. Well, the Chair has ruled previously that the only matters referred to this Committee were the matters that are under our jurisdiction. And so therefore, we are acting on the matters under our jurisdiction.

It is true that we have the entire bill referred to us and we are dealing with the bill, but the only actions before this Committee that we are undertaking are matters with regard to our jurisdiction.

I would say to the gentleman that in the final analysis, that the matters that you will be voting on on final passage do cover the totality of the bill, but the reality is that the only matters that you will be substantively dealing with at this point will be those matters that were under the Science Committee's jurisdiction.

Later on if this bill comes to the Floor of course, then the entire bill will be there. We simply do not, in my view, have the authority to act on matters that are not in the jurisdiction of this Committee.

Mr. BOEHLERT. Mr. Chairman, I agree with that analysis. And I am very supportive, as a number of my colleagues know, of the Economic Development Administration, but that is not before us today.

I think, although we have the bill in its totality, as the Chairman has explained, what we are really voting on when we vote at the

end is that portion of the bill over which this Committee has jurisdiction.

And I think we have fashioned a very responsible portion, our portion over the overall thing. I am against the whole idea, the whole concept, quite frankly.

Ms. RIVERS. Mr. Chairman? Mr. Chairman?

Mr. GEREN. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. The gentlewoman from Michigan.

Ms. RIVERS. Thank you, Mr. Chairman.

When the Committee was considering the amendment offered by Ms. Harman just a few moments ago, I was unavoidably detained and not here for the vote.

Had I been here, I would have voted aye, and I would like the record to reflect that, please.

The CHAIRMAN. The record will so reflect.

Ms. RIVERS. Thank you, Mr. Chairman.

Mr. BROWN. Mr. Chairman?

The CHAIRMAN. Mr. Brown?

Mr. BROWN. With further regard to the question that has just been raised by Mr. Geren and commented on by Mr. Boehlert, and which the Chair, in my opinion, adequately expressed his views in response to my earlier inquiry, but in order to make the matter clear to those who might read the Committee report, does the Chair feel that it might be possible to include in the Committee report a statement that the action by this Committee was intended to concern or to approve only those items within our jurisdiction?

The CHAIRMAN. The record of the Committee will certainly reflect that. If the report should also contain language indicating that the only matters considered before this Committee were the matters in the jurisdiction of the Committee, and so therefore any vote taken on matters should only be regarded as matters within the jurisdiction of this Committee, I would be happy to have the report so reflect.

Mr. BROWN. Thank you.

Mr. WAMP. Mr. Chairman?

The CHAIRMAN. The gentleman from Tennessee, Mr. Wamp.

Mr. WAMP. Thank you, Mr. Chairman.

Today, I am offering a non-controversial—or hopefully so—amendment to retain the Federal Laboratory Consortium for Technology Transfer.

The FLC is a single technology transfer organization representing all federal agencies that have a research and development mission, and the 600 plus laboratories they oversee.

It is a volunteer organization of federal research and development laboratories and centers that work together to maximize the transfer of technology.

The FLC member agencies include the Departments of Agriculture, Defense, Energy, Health and Human Services, Interior, Justice and Transportation.

Other organizations include the TVA, NASA and the CIA.

It is important to note that the FLC does not receive a direct appropriation. The FLC is supported by member agencies which contribute eight one thousandth percent of their research and development budget.

That means the FLC operates on an annual budget of only \$1.8 million. And the Consortium receives no new annual funding.

The mission of the FLC is to promote the movement of federal technology, research, and development into the mainstream of the U.S. economy.

Through the Consortium, the federal research system offers technical assistance, access to unique facilities and opportunities to learn about federally developed technologies to partners in the business and academic communities.

This is all done without adding to the burden of the American taxpayer.

Mr. Chairman, I also recognize that my colleague from Tennessee, Mr. Tanner, was apparently simultaneously recognizing the importance of FLC. I hope that he will join me and other members of the Committee in support of this amendment.

[The amendment follows:]

AMENDMENT TO H.R. 1756

OFFERED BY MR. WAMP

Page 32, lines 11 through 22, strike subparagraph

(D) of section 206(d)(2).

Page 32, line 23, strike “(E)” and insert “(D)”.

Mr. BROWN. Mr. Chairman?

The CHAIRMAN. The gentleman from California?

Mr. BROWN. Mr. Chairman, I hope that this will not be a divisive amendment. I would like to point out, as I did in the case of Mr. Davis' amendment, that members who take the trouble to find out the details of the operation of some of these institutions can find considerable merit in them.

In this case, the Federal Laboratory Consortium for Technology Transfer was a result of the unanimous action of this Committee about 20 years ago, in which even Mr. Walker, who has a very high standard of approval, agreed that this was a valuable initiative to take at the time.

Of course, circumstances can change as we all know. But I feel a paternal interest in this. I think it has done a great deal of good at very little cost over the years in bringing about a more effective focus on the subject of technology transfer.

And I commend Mr. Wamp for his initiative in offering this amendment and I certainly want to support it in every way that I can.

The CHAIRMAN. Are there additional members that wish to be recognized on the amendment?

Mrs. Morella.

Mrs. MORELLA. Thank you.

Mr. Chairman, I support the gentleman from Tennessee's amendment. As you know, there is a new FLC president, Tina McKinley from Oak Ridge, and a new FLC executive director, who are reforming FLC to be much, much stronger in their outreach, their education and the presence from Federal laboratories than we have seen in the past.

I have already seen the results of their new and reinvigorated efforts. The FLC, through their efforts to assist in promoting technology transfer, helped my Technology Subcommittee in putting together our joint hearing with the Basic Research Committee.

Their assistance was helpful and the FLC has been useful in acting as a liaison with the federal laboratories on my Technology Transfer Bill, H.R. 2196.

So I applaud Mr. Wamp for his amendment and support it.

Thank you.

The CHAIRMAN. Are there additional members that wish to be heard on the amendment?

[No response.]

The CHAIRMAN. If not, the Chair will put the question.

Those in favor of the amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair, the ayes have it. The ayes have it and the amendment is agreed to.

Mr. Ehlers.

Mr. EHLERS. Thank you, Mr. Chairman.

I have an amendment at the desk, which is a replacement for the amendment that is in the packet.

The CHAIRMAN. The gentleman is correct. The Clerk will distribute the amendment.

[The amendment follows:]

AMENDMENT TO H.R. 1756
OFFERED BY MR. EHLERS

Page 47, line 9, strike "Defense Mapping Agency" and insert
"United States Science and Technology Administration".

Page 47, strike lines 11 through 13 and insert in lieu thereof:

"The Administrator of Science and Technology shall terminate any functions transferred to it under paragraph (1) that are performed by the private sector unless the Administrator finds that the private sector is unwilling or unable to perform such functions."

Mr. EHLERS. While it is being distributed, Mr. Chairman, I can give a brief description.

In the bill that was before us, the Mapping Service was transferred to the Department of Defense, Defense Mapping Agency, and that really makes little or no sense whatsoever.

The needs of the civilian agencies are far different from those of the Defense Department and other factors that NOAA currently contracts out a great deal of the work in preparing, both obtaining the data and preparing the charts, whereas the Defense Department does not do any contracting out at this point.

And the Defense Department does not concern itself directly with the coastal waters, whereas NOAA does take care of that. In addition, NOAA does the aeronautic charts with the cooperation of the FAA. In fact, the FAA carries about two-thirds of the cost of the aeronautical charting.

In other words, it made no sense to me to transfer this agency, or this part of it, which is working very well, into the Defense Department which has not handled anything of that nature in the past.

And therefore I am encouraging that the mapping functions of NOAA be placed in the United States Science and Technology Administration as we are doing with some of the other functions, and also adding, in terms of the privatization, that the administrator of Science and Technology shall terminate any functions transferred to it under paragraph one that are performed by the private sector unless the administrator finds that the private sector is unwilling or unable to perform such functions.

I have worked extensively with the Committee staff and others on this, and this represents, to my mind, the best arrangement and is far superior to what is in the bill.

Thank you.

The CHAIRMAN. The Chair is prepared to accept the amendment.

Are there any other members who wish to be heard on the amendment?

Mr. CALVERT. Mr. Chairman?

The CHAIRMAN. Who is seeking recognition? Oh, the gentleman from California.

Mr. CALVERT. The only question I would have is that early on, we were talking about trying to consolidate, in my Committee a multiple number of agencies that have mapping and charting operations into the United States Geological Survey, and I would like to ask Mr. Ehlers why couldn't the USGS take on this function along with other mapping services we are trying to consolidate into the USGS?

Mr. EHLERS. If the gentleman will yield, I will be happy to respond.

Mr. CALVERT. Certainly.

Mr. EHLERS. Thank you.

My understanding is the USGS deals only or primarily in land-based maps. It does topographical maps of the United States. It deals with geological features on those maps. It also does the mapping of underground features, but does not do the aeronautical or oceanic charting that NOAA does. And there is a clear division there.

I suppose one could make an argument for attempting to combine all these functions in one super agency at some point, but since there are many ramifications to that combination, I think if we are going to do that we should give it a little study before we do that.

Given the speed with which we are considering this, I recommend that we put it with the Office of Science and Technology at this point.

If I might add, I would suggest that something this Committee might want to look at in the future, if in fact this bill becomes law, is putting the USGS within the jurisdiction of the Science and Technology Agency as well, and that would naturally provide some good——

Mr. CALVERT. As Chairman of the Subcommittee that has jurisdiction over USGS, I would not agree with that, Mr. Ehlers, but nevertheless, I do believe that we ought to look at consolidating the mapping services at some point to USGS and not have them spread throughout the various agencies in the Federal Government.

Thank you, Mr. Chairman.

Mr. ROEMER. Mr. Chairman?

The CHAIRMAN. The gentleman from Indiana.

Mr. ROEMER. Thank you, Mr. Chairman.

I certainly support the gentleman from Michigan's spirit and intent on this legislation. We have worked in a bipartisan way to try to move functions of the Weather Service to the private sector so that we do not get repetitive and duplicative efforts there.

As the gentleman will recall in earlier markups, I had introduced a bill which this Committee accepted about five-sixths of the bill to do precisely what the gentleman's intent is here.

One of the qualifications that we had in our legislation with respect to the Weather Service was not only would they be willing to do it, but they would have the capability and capacity to do it.

And I would just hope in this language that the gentleman is very clear, either in the statutory language or the report language, that the Administrator of the Science and Technology recognizes not only their willingness to do it, but their capability of doing it.

And I think your language is just a little bit vague on that. You say that they are performed by the private sector, unless the administrator finds that the private sector is unwilling or unable to perform such functions.

And I wonder if the gentleman would just clarify his intent here? I know the spirit of what he is trying to say.

Mr. EHLERS. If the gentleman would yield?

Mr. ROEMER. I would be happy to yield.

Mr. EHLERS. Thank you.

The language that we used here is basically taken from another part of the bill which also talks about privatizing functions of these agencies.

And so I do not have any particular brief for the precise wording. We just decided to try to achieve consistency in the bill.

I will say that that is the concern I had. That is why I think it is important to have this in there. I do not think we can have a government function where the sole responsibility of the government is to pick up the pieces after the private sector by that.

I speak from having had that experience on a local government level where you stop performing a government function because the private sector takes it over. And then they either do not do it properly or they go bankrupt and suddenly there is this huge demand for the government to step in and fill the void again.

I think we have a responsibility to ensure that when the private sector moves in, that they have the capability of doing the job and will continue to do it. That is always a judgment call but I do not think we can have the government hopping in and out of functions as the private sector decides to try it, and then decides not to try it.

So I am trying to give a little flexibility to the administrator, but still give the intent that we really want, that the first choice is that they be performed by the private sector.

Mr. ROEMER. Reclaiming my time, I would just conclude by saying that when we did this with the Weather Service, we found that the private sector was already involved and in a very efficient manner, fulfilling many of these duties that the government continued to assist on doing, and we finally had to put the statutory language in there saying that if the private sector is not only willing to do it, but capably doing it, then the government should not do it.

And what I am just trying to further clarify here is that the private sector just cannot come along and say we are willing to do it, and then a huge hiatus takes place about their capability matching their will. And I would just continue to work with the gentleman to make sure that we do not see any gap here in the two functions.

Mr. EHLERS. If the gentleman will yield, let me just say that is my intent, as well. If this turns out to be a problem, we can address that. But actually in the mapping area NOAA is already contracting out a good deal of this to the private sector.

Mr. ROEMER. Right.

Mr. EHLERS. It is a different model than the Weather Service, so I think it will continue that way.

Mr. ROEMER. I thank the gentleman, and I thank the Chairman.

The CHAIRMAN. The gentleman from Michigan.

Mr. BARCIA. Thank you very much, Mr. Chairman.

I would just briefly add my support for the amendment and compliment the author, my colleague from Michigan, Congressman Ehlers.

I think that this amendment is very constructive and would go a long way toward alleviating the concerns that some members of Congress have with the intent over all of the legislation and the dismantling of the Department of Commerce.

This would give the, I think, additional assurance that many who have doubts about this legislation might need to support it.

So thank you.

The CHAIRMAN. I thank the gentleman.

Any further discussion on the amendment?

[No response.]

The CHAIRMAN. If not, the Chair would put the question.

Those in favor of the amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. The ayes have it. The amendment is agreed to.
Mr. Hastings.

Mr. HASTINGS. I thank the Chair.

Mr. Chairman, I have an amendment at the desk. I would ask unanimous consent that the amendment at the desk be accepted in lieu of the one that is in the package.

The CHAIRMAN. The Clerk will distribute the new amendment.

[The amendment is distributed.]

[The amendment follows:]

En Block Amendment to H.R. 1756
Offered by Mr. Hastings of Florida

On Page 48, line 14 through 15, strike ",except" through "(3)"

On Page 49, lines 4 through 15, strike paragraph (3) of section 211(k) and renumber subsequent paragraphs accordingly.

Mr. HASTINGS. May I proceed while the amendment is being distributed, Mr. Chairman?

[Pause.]

The CHAIRMAN. The gentleman is recognized.

Mr. HASTINGS. Thank you, Mr. Chairman.

Mr. Chairman, I rise today to strike specific language on page 48, lines 14 through 15, except through 3. I would ask that the amendment be accepted as read at this point.

The CHAIRMAN. Without objection.

Mr. HASTINGS. I thank you.

Mr. Chairman, the language as presently proposed in your bill would severely compromise public safety, in my opinion, by restricting the authority of the National Weather Service to issue weather forecasts or warnings and watches.

Currently both the National Weather Service and the private sector disseminate forecasts, but your measure, Mr. Chairman, as written would prevent the National Weather Service from providing these services if a similar service, and I quote, "can be provided by a commercial enterprise."

To me this is worrisome because in a privatized system the competing company's priority is making money rather than serving the public.

What would happen to those people living in rural areas with only limited opportunities for radio broadcasts? My question would be:

Should these citizens be denied daily weather forecasts because the private sector is not there to service them?

In addition, I am also concerned about the quality produced by private forecasters. Take for example Hurricane Gilbert in 1988 and Hurricane Iniki in 1992. In both situations, private forecasters issued forecasts which deviated from the National Weather Service and their forecasts in each instance were wrong and, in addition to that, any number of individuals took up stakes and started moving as a result of the wrong forecast.

I am also concerned about litigation due to conflicting information. If, for example, lives were lost because forecasters were incorrect, as in the case of the aforementioned hurricanes, can the forecasters be held liable?

This language will place both government and the private sector in an unworkable, litigious environment.

Lastly, Mr. Chairman, the effect of the policy in Section 211 combined with the budget cuts in Section 310 of the amendment will leave the country without virtually any capability to forecast severe weather for the citizens in the hurricane paths of central and south Florida.

It also would leave those citizens at peril in tornado alley in the Midwest, and Lake Effects in the Great Lakes Region would also go unattended.

My amendment will rectify a part of the problem by removing the language which compromises NOAA's central mission. To protect life and property.

Congresswoman Morella will introduce an amendment later that I certainly hope this Committee will consider favorably. It will address the Draconian cuts being made in the National Weather

Service and the satellites that provide critical weather forecast information.

Obviously the Chair and everyone is to be commended for defining NOAA's mission, but then it is important that we fund the agency adequately so that they may carry out their mission.

I would like to conclude, Mr. Chairman, by quoting from the language of one of the preeminent weather service broadcasters that happens to serve in my area on television. His name is Brian Norcross. He has appeared on national television and has written actively in this area.

Brian said, when appearing before the Senate Governmental Affairs Committee, the following:

"If there is no other function for government, it is to provide for the National Security and the Public Safety from External Forces."

The profit incentive inherent in free enterprise is not an appropriate component of the public safety and security components of the National Weather System. Incentive is the operative word, and the following elements of the system that he outlines logically fall under federal control because the profit incentive is not in the public interest.

I ask support for the amendment, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROHRABACHER. Mr. Chairman?

Mr. CRAMER. Mr. Chairman?

The CHAIRMAN. Mr. Rohrabacher?

Mr. ROHRABACHER. Mr. Chairman, with all due respect to my colleague and friend, some of the facts that he just presented just are not the case.

I have the bill right in front of me and it states very clearly that the Weather Service will continue to provide vital weather warnings and forecasts for the protection of lives and property for the general public.

There is no diminution of this at all.

Mr. Chairman, this amendment would undo a provision of the NOAA Authorization bill to encourage what we are doing, and what we tried to do, was to encourage privatization for specialized weather services. This received bipartisan support at our markup in June.

The Organic Act of 1890, which is what the Weather Service is all about, is an anachronistic document designed to help rural agricultural economies in the 19th Century. We were trying to amend that to basically bring it up to date to a situation where what the private sector can do, it should do.

The National Weather Service itself reorganized this, the Organic Act, in 1990 when it issued a policy statement that pledged not to compete with the private sector when a service is concurrently provided or currently provided or can be provided by a commercial enterprise.

Well, that was supposedly what they were supposed to do, and they said that in 1990. Nevertheless, the Weather Service continues to directly compete for services that are easily provided by private enterprise.

For example, most recently they set up a unit to provide personal consulting services for the 1996 Olympics in Atlanta. That is what

this legislation is aimed at. It is not aimed at those services that are aimed at protecting the general well being and safety of the public.

It also set up a service that FAXs daily forecasts to operators of the Kemper Open Golf Tournament. Again, that is not something the Weather Service and the taxpayers have to support. That can be done by the private sector.

But in terms of protecting the general public, that is what the Weather Service should focus on.

We also have a situation where the Service provides special ultraviolet radiation forecasts that suntan oil companies can use to promote their products. Again, let's let that be done by the private sector.

Mr. HASTINGS. Would the gentleman yield?

Mr. ROHRABACHER. I will be done with my statement in just one moment and I will be very happy—

Mr. Chairman, there is a directory here that NOAA itself has put out of dozens of commercial things that it does, of basically commercial forecasts, in 40 states and the District of Columbia, and we have got people in the private sector that are ready to provide these services, and the government should not be competing against them.

So let's support these vitally needed functions of the Weather Service such as severe storm warnings which are not touched by what we have done, and climate research which I have some questions of but still continues, but let's not—basically, let's support that but not turn our back on this reform concept of letting the government do what it should do, but letting the private sector do the rest.

I will be very happy to yield to my colleague and friend.

Mr. HASTINGS. I thank the gentleman for yielding.

I certainly accept the statements of the gentleman with the exception, in all due respect, I'd like to urge my friend—and he is my friend—that I don't believe that you're reading the language properly.

The National Weather Service can't compete with the private sector, the language says, "unless the private sector is unwilling and the service is vital". "And" is the key word, and I do not think that you are contemplating that in your reasoning with reference to the matter.

The CHAIRMAN. Would the gentleman yield to me?

Mr. ROHRABACHER. I would be happy to yield to the Chairman.

The CHAIRMAN. But the language from which the gentleman is quoting ignores the language that precedes that in the law. That is, the general conditions given to the weather service which says that the Weather Service shall be responsible for forecasts and shall serve as the sole official source of weather warnings.

So before we get to the competition with the private sector, it is clear that there are assignments made to the National Weather Service that specifically say it is the only source from which certain things can be.

I thank the gentleman for yielding.

Mr. HASTINGS. Would the gentleman further yield so that I could respond to the Chair?

Mr. ROHRABACHER. I would be happy to yield to my colleague.

Mr. HASTINGS. Mr. Chairman, you leave out the "except as outlined in paragraph 3" and then it goes on. So in reality what it does is it overrides that language——

The CHAIRMAN. No, it doesn't.

Mr. HASTINGS [continuing]. With all due respect.

The CHAIRMAN. No.

Mr. ROHRABACHER. Reclaiming my time, I would just say that the intent of this legislation is clear. The intent is that the Weather Service, and the government's involvement in the Weather Service, should be focused on those needs of warning the public about the very things that you are afraid that the public will not be warned against: tornadoes and hurricanes, and other climatic——

Mr. HASTINGS. Hurricanes are big with me, Dan.

Mr. ROHRABACHER [continuing]. And other climactic threats. However, that is our intention, absolutely, to focus it on those tasks.

If we accept your amendment, it will be involved in all of these other things as well and we will not be able to get it out of the peripheral functions.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Alabama.

Mr. CRAMER. Mr. Chairman, I want to weigh in on this. I want to applaud my colleague from Florida. I too am concerned about the wording in the sections.

First of all, we describe the duties of the National Weather Service, and then we go on to define that they're prohibited from competing with the private sector. I think the problem is that the definition and the exception to the private sector-provision would make it very difficult, if not impossible, for the National Weather Service to be allowed to do any of its duties.

It seems to me that the gentleman offers a solution to that. But the Chairman of the Committee has given and taken with me as we have worked through some difficult Weather Service issues, including the modernization issue, so I would enjoy hearing more from the Chairman to be reassured that the language that exists in this substitute does not in fact——

The CHAIRMAN. Would the gentleman yield?

Mr. CRAMER. I would be happy to yield.

The CHAIRMAN. I would say to the gentleman that the language that we have in the bill is exactly the same language as we adopted in H.R. 1815, and I think the gentleman worked with us. Mr. Roemer worked with us. We have simply taken that language and put it into this bill.

It is exactly the same language that we have already put in the 1996 NOAA Authorization bill that we adopted without controversy.

Just to make certain that the Exception Clause was clarified in that language, if you will look at the language you will find that one of the things that cannot be privatized under Section B is the service that provides vital weather warnings and forecasts for the protection of lives and property of the general public.

So we emphasize the overall mission that we put in Part B, or in Part A. We emphasize it once again in Part B to make certain

absolutely that the mission of the agency is to provide those kinds of warnings.

Then in Part B we say that you cannot rely on private entities for things that might affect the lives and property of the general public.

So we have made those kinds of representations at two places in the language that we adopted in the authorization bill, as well as what is in this bill.

Mr. CRAMER. Well, reclaiming my time, I want to be reassured. I am not so sure, but what we are not noticing now something that we should not have noticed then. I just want to make perfectly clear what we intend, and I would think the gentleman's amendment works more toward that.

Thank you.

The CHAIRMAN. Well, but the gentleman's amendment will eliminate any possibility of private weather services.

Mr. HASTINGS. That is not true, Mr. Chairman.

The CHAIRMAN. If the gentleman would yield, the gentleman is going to allow the Kemper Open to continue to utilize the services of the Weather Service at the Taxpayers' expense rather than having to go out and buy weather forecasts from a private entity.

It seems to me that that is exactly what we are trying to get away from. So in my view we have assured that, where it is weather warnings, storm warnings, where there is any concern about the lives or property of the general public, that there is no way that the Weather Service can be precluded by a private service from providing those kinds of services.

The gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I rise reluctantly opposed to the amendment of the gentleman from Florida. We have worked in a bipartisan manner to try to facilitate this process of eliminating duplicative and repetitive services from the government when the private sector can do it.

I have scores of letters and FAXes in my office from businesses across the country that are doing a good job at replacing the government and are already doing these things very, very well.

I would say that the gentleman from Florida has got some good intentions; however, I think he is trying to kill the problem with the language with a tank and bazooka rather than with a fly swatter.

We should not eliminate this entire section on page 49. As the Chairman has said, we say very explicitly on page 48 under the section "duties" "to protect life and property and enhance the national economy, the Administrator of Science and Technology, through the National Weather Service except as outlined in paragraph (3), shall be responsible for the following:

- (a) Forecasts . . . ;
- (b) Issuance of storm warnings;
- (c) The collection, exchange, and distribution, et cetera, et cetera.

So I think we have been very clear there. I would say to the Chairman. On page 49, instead of eliminating what the gentleman from Florida wants to eliminate, would there be an improvement in the language if we said on line 12 instead of the "and", if we change the "and" to "or"?

That would read, then:

"The Administrator of Science and Technology finds that the private sector is willing or unable to provide the service; or the service provides vital weather warnings and forecasts for the protection of lives and property of the general public."

I say that in the spirit of keeping this language strong. We have with our bill and our amendment, Mr. Chairman, working with you on the authorization language, found ways to eliminate duplication in the fire weather area, in the marine facsimile area, in the regional climate centers area, and save the taxpayers about \$10 million a year. So I think this is progress, and I think with just a slight modification of one word we can improve on this language, rather than eliminating a couple of sections of the bill.

Mr. HASTINGS. Would the gentleman yield?

Mr. ROEMER. I would be happy to yield.

Mr. HASTINGS. I thank the gentleman for yielding.

Well, "and" was in the NOAA bill, Mr. Roemer, that we reported out last month. So we would have to fix that. I am not sure that going to "and" "or" serves the problem.

For example, [k][3][B] states that the National Weather Service must demonstrate that the Service provides warnings and forecasts for the protection of lives and property. In many respects we have defined their mission.

What if the Service only provides warnings, or only provides forecasts? That Service would not qualify since it does not provide both.

Would you agree with that?

Mr. ROEMER. No, I would not agree with the gentleman's interpretation of that.

Mr. HASTINGS. I would like to make a further inquiry of you with reference to the general problem areas, but in the interests of time I will leave it and I will continue to work with you and other members of the Committee.

I thank you for yielding.

Mr. ROEMER. I thank the gentleman from Florida.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Kansas.

Mr. TIAHRT. Coming from an area of the country that has an extreme interest in weather forecasting, especially during tornado season—we recently had, in 1991, a tornado that went through a large section of Wichita, Kansas, and Andover, Kansas. We lost 21 lives.

It is very important that we have the capability for warnings, and especially in weather forecasting both short-term and long-term.

I like the legislation and I rise in opposition to the amendment because it does define the mission. I think that is very important.

There is some competition with the National Weather Service in the private sector. If we look at long-term forecasts, the National Weather Service's own data shows that their accuracy is diminishing while private sector accuracy is increasing.

There was a gentleman named Mike Smith who testified here I believe Tuesday, or earlier this week, and he represents Weather Data, Incorporated, a business that he started.

He told me this week that there are more people employed in the private sector forecasting weather in the State of Kansas than there are in the public sector that is employed by the National Weather Service, and yet they are trying to strive to compete with the National Weather Service right now.

The National Weather Service is making reports to farm groups, making reports to like tire companies on long-term forecasts, and this is how he makes his living. He feels a little bit cheated.

He also told me that they were withholding information. The weatherman is not any good without radar these days; they have to have the weather radar; but what is being released by the Weather Service is kind of the medium-resolution radar. The high-resolution radar, which is of course more helpful in projecting long-term forecasts, is being withheld, and it is more difficult for them to do their jobs.

So I think the current language puts some guidelines for the National Weather Service, and also helps people who are in the private sector to go out and compete and come up with new concepts when they are doing the job accurately.

One comment that was made during the testimony is a quote that Mr. Hastings made that the profit motive is contrary to the public interest.

I would argue against that concept in that the profit motive is I think what has done a tremendous amount in innovation in this country over other countries that are centrally controlled. I think that even in the Weather Service that the profit motive is going to bring a better use of the technology and expand the capability we have to long-term forecasting because they are out there on the cutting edge trying to make a living at doing this.

So I would I guess speak in opposition to it.

Mr. HASTINGS. Would the gentleman yield?

Mr. TIAHRT. I would be glad to yield.

Mr. HASTINGS. I would just like to ask you a question. Is it not true that with tornados and hurricanes that the private sector meteorologists have issued unofficial severe weather warnings that were not correct?

Mr. TIAHRT. Well both the public and the private sector have had some—according to their own statistics from the National Weather Service, they have been less accurate than what the private sector has. There has been some instances down in Texas—I can't quote you specific dates—but when some of the areas have been at risk because of the lack of a warning; that the National Weather Service did not get it out quickly enough, and that there was, you know, some concern.

I think that the private sector having access to things like high-resolution weather data can be effective in getting this information out through the television networks and through radio.

Mr. HASTINGS. I thank the gentleman for yielding.

The CHAIRMAN. The gentleman from Maryland.

Mr. BARTLETT. Thank you very much, Mr. Chairman.

The language on page 48—and I want to say that I support the intent of the amendment but I do not think the amendment is needed, because I think the language, if we look on page 48 and 49, the language is clear that your intent will be accomplished.

On page 48 on line 11 it says that the first duty of the Service is to protect life and property. What concerns you was that "except as outlined in paragraph [3]".

Then when you get to paragraph [3], it says that these are limitations on competition.

So you were concerned that this service would not be provided. But note that the National Weather Service "may not compete or assist other entities to compete with the private sector unless" and "unless" there is the important word "unless" and there are two things "the private sector cannot do it" and then the Service will do it; and [b] "the Service provides vital weather warnings and forecasts to protect life and property."

So what this says, in effect, is that the National Weather Service can help—can aid in competition and so forth. So there is a double guarantee in here that that service is going to be provided.

It is either going to be provided by the government as outlined on page 48, or it is going to be provided by the private sector and the government can even help to assist in competition in the private sector to make sure that it is there.

So——

Mr. HASTINGS. Would the gentleman yield for a question?

Mr. BARTLETT [continuing]. I think the language is almost like a double negative. I think the language of the bill has double assurance that that service will be there.

Mr. HASTINGS. Would the gentleman yield for a question?

Mr. BARTLETT. Yes.

Mr. HASTINGS. What if someone in the private sector comes up and said that they could perform this service? Then is the National Weather Service—what is the National Weather Service supposed to do at that time?

Mr. BARTLETT. As I read the language, the National Weather Service is obligated to provide that service unless in fact it is provided by the private sector.

The CHAIRMAN. Would the gentleman yield to me?

Mr. BARTLETT. Yes, sir.

The CHAIRMAN. Specifically the language in number [3] says that "the Administrator has to make that finding."

Mr. BARTLETT. Yes, sir.

The CHAIRMAN. It is not just that the private service represents this to him; it is that the Administrator has to make a finding that in fact they can do that.

Mr. BAKER. Can I call for the question?

The CHAIRMAN. You cannot call for the question because we are now in the middle of a Floor vote, so the Committee will stand in recess to vote and we will come back and take a vote on this amendment.

[Brief recess.]

The CHAIRMAN. The Chair recognizes the gentleman from Indiana, Mr. Roemer, for a technical amendment.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to make a technical change on page 49, line 12, to change the "and" to "or"——

Mr. HASTINGS. Reserving the right to object, Mr. Chairman.

Mr. ROEMER [continuing]. And then say [b] "the Administrator of Science and Technology finds that" and then use the rest of the existing language in the paragraph.

Mr. HASTINGS. Reserving the right to object, Mr. Chairman—
The CHAIRMAN. The gentleman reserves—

Mr. HASTINGS [continuing]. Mr. Chairman, and I put it in the nature of a parliamentary inquiry.

The Member now seeks to make a technical change to an amendment that is already pending. My amendment is pending. I believe that action should be taken on that. Otherwise, I seek instruction from the Chair in that regard.

The CHAIRMAN. Well, the gentleman can in fact ask unanimous consent for that change. If there is objection, we will then proceed with the gentleman's amendment and would allow the gentleman from Indiana to offer his unanimous consent motion then following the action on the gentleman's amendment.

So we can do it either way. We were hoping to save the members as much time as possible here.

Mr. HASTINGS. I understand, Mr. Chairman.

The CHAIRMAN. Does the gentleman object?

Mr. HASTINGS. I do object.

The CHAIRMAN. The gentleman objects.

The question is on the gentleman from Florida's amendment. All those in favor will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair—

Mr. HASTINGS. On that I ask for a roll call vote, Mr. Chairman.

The CHAIRMAN. The gentleman asks for a roll call vote. The Clerk will call the roll.

The CLERK. Mr. Walker.

The CHAIRMAN. No.

The CLERK. Mr. Walker votes no.

Mr. Sensenbrenner.

[No response.]

The CLERK. Mr. Boehlert.

[No response.]

The CLERK. Mr. Fawell.

[No response.]

The CLERK. Mrs. Morella.

Mrs. MORELLA. No.

The CLERK. Mrs. Morella votes no.

Mr. Weldon of Pennsylvania.

Mr. CURT WELDON. No.

The CLERK. Mr. Weldon votes no.

Mr. Rohrabacher.

Mr. ROHRABACHER. No.

The CLERK. Mr. Rohrabacher votes no.

Mr. Schiff.

Mr. SCHIFF. No.

The CLERK. Mr. Schiff votes no.

Mr. Barton.

[No response.]

The CLERK. Mr. Calvert.
 Mr. CALVERT. No.
 The CLERK. Mr. Calvert votes no.
 Mr. Baker.
 Mr. BAKER. No.
 The CLERK. Mr. Baker votes no.
 Mr. Bartlett.
 Mr. BARTLETT. No.
 The CLERK. Mr. Bartlett votes no.
 Mr. Ehlers.
 Mr. EHLERS. No.
 The CLERK. Mr. Ehlers votes no.
 Mr. Wamp.
 Mr. WAMP. No.
 The CLERK. Mr. Wamp votes no.
 Mr. Weldon of Florida.
 Mr. Dave Weldon [Fla]. No.
 The CLERK. Mr. Weldon votes no.
 Mr. Graham.
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham votes no.
 Mr. Salmon.
 Mr. SALMON. No.
 The CLERK. Mr. Salmon votes no.
 Mr. Davis.
 Mr. DAVIS. No.
 The CLERK. Mr. Davis votes no.
 Mr. Stockman.
 Mr. STOCKMAN. No.
 The CLERK. Mr. Stockman votes no.
 Mr. Gutknecht.
 Mr. GUTKNECHT. No.
 The CLERK. Mr. Gutknecht votes no.
 Mrs. Seastrand.
 Mrs. SEASTRAND. No.
 The CLERK. Mrs. Seastrand votes no.
 Mr. Tiahrt.
 Mr. TIAHRT. No.
 The CLERK. Mr. Tiahrt votes no.
 Mr. Largent.
 [No response.]
 The CLERK. Mr. Hilleary?
 [No response.]
 The CLERK. Mrs. Cubin?
 Mrs. CUBIN. No.
 The CLERK. Mrs. Cubin votes no.
 Mr. Foley.
 [No response.]
 The CLERK. Ms. Myrick.
 Ms. MYRICK. No.
 The CLERK. Ms. Myrick votes no.
 Mr. Brown.
 Mr. BROWN. Aye.
 The CLERK. Mr. Brown votes yes.

Mr. Hall.

[No response.]

The CLERK. Mr. Traficant?

[No response.]

The CLERK. Mr. Hayes.

[No response.]

The CLERK. Mr. Tanner.

Mr. TANNER. Yes.

The CLERK. Mr. Tanner votes yes.

Mr. Geren.

Mr. GEREN. No.

The CLERK. Mr. Geren votes no.

Mr. Roemer.

Mr. ROEMER. No.

The CLERK. Mr. Roemer votes no.

Mr. Cramer.

Mr. CRAMER. No.

The CLERK. Mr. Cramer votes no.

Mr. Barcia.

[No response.]

The CLERK. Mr. McHale.

Mr. MCHALE. No.

The CLERK. Mr. McHale votes no.

Ms. Harman.

Ms. HARMAN. No.

The CLERK. Ms. Harman votes no.

Ms. Johnson.

[No response.]

The CLERK. Mr. Minge.

[No response.]

The CLERK. Mr. Olver.

[No response.]

The CLERK. Mr. Hastings.

Mr. HASTINGS. Aye.

The CLERK. Mr. Hastings votes yes.

Ms. Rivers.

Ms. RIVERS. Yes.

The CLERK. Ms. Rivers votes yes.

Ms. McCarthy.

[No response.]

The CLERK. Mr. Ward.

Mr. WARD. Aye.

The CLERK. Mr. Ward votes yes.

Ms. Lofgren.

Ms. LOFGREN. Yes.

The CLERK. Ms. Lofgren votes yes.

Mr. Doggett.

[No response.]

The CLERK. Mr. Doyle.

[No response.]

The CLERK. Ms. Jackson-Lee.

Ms. JACKSON-LEE. Aye.

The CLERK. Ms. Jackson-Lee votes yes.

Mr. Luther.

Mr. LUTHER. No.

The CLERK. Mr. Luther votes no.

Mr. SENSENBRENNER. Mr. Chairman.

The CHAIRMAN. How is Mr. Sensenbrenner recorded?

Mr. SENSENBRENNER. Mr. Chairman, I vote no.

Mr. DOYLE. Mr. Chairman.

The CHAIRMAN. How is Mr. Doyle recorded?

The CLERK. Mr. Doyle is not recorded.

Mr. DOYLE. Doyle votes yes.

The CHAIRMAN. Mr. Fawell.

Mr. FAWELL. Fawell votes no.

Mr. HALL. Mr. Chairman.

The CHAIRMAN. Mr. Hall.

Mr. HALL. Hall votes aye.

The CLERK. Mr. Hall votes yes.

Mr. FOLEY. Mr. Chairman.

The CHAIRMAN. Mr. Foley.

Mr. FOLEY. Foley votes no.

Mr. MINGE. Mr. Chairman, how is Mr. Minge recorded?

The CLERK. Mr. Minge.

Mr. MINGE. Minge votes aye.

The CLERK. Mr. Minge votes aye.

The CHAIRMAN. Mr. Boehlert.

Mr. BOEHLERT. No.

The CLERK. Mr. Boehlert votes no.

Mr. HILLEARY. Mr. Chairman.

The CHAIRMAN. How is Mr. Hilleary recorded?

The CLERK. Mr. Hilleary is not recorded.

Mr. HILLEARY. No.

The CLERK. Mr. Hilleary votes no.

The CHAIRMAN. Are there additional Members who wish to be recorded?

[No response.]

The CHAIRMAN. The Clerk will report.

[Pause.]

The CLERK. Mr. Chairman, the vote recorded is. Yes, 10; No, 31.

The CHAIRMAN. And the amendment is not agreed to.

COMMITTEE ON SCIENCE - 104TH CONGRESS ***** ROLL CALL

SUBJECT: *HR 1756: Amendment by Mr. Hastings* #8

Rm.	Phone	Name	Present	Absent	Yes	No	Not Voting
2369	52411	Mr. Walker, R-PA					
2332	55101	Mr. Sensenbrenner, R-WI				18	-
2246	53665	Mr. Boehlert, R-NY				30	-
2159	53515	Mr. Fawell, R-IL				27	-
106	55341	Mrs. Morella, R-MD				2	
2452	52011	Mr. Curt Weldon, R-PA				2	
2338	52415	Mr. Rohrabacher, R-CA				1	
2404	56316	Mr. Schiff, R-NM				5	
2264	52002	Mr. Barton, R-TX					-
1034	51986	Mr. Calvert, R-CA				1	
1724	51880	Mr. Baker, R-CA				7	
322	52721	Mr. Bartlett, R-MD				8	
1717	53831	Mr. Ehlers, R-MI				9	
423	53271	Mr. Wamp, R-TN				10	
216	53671	Mr. Dave Weldon, R-FL				11	
1429	55301	Mr. Graham, R-SC				12	
115	52635	Mr. Salmon, R-AZ				13	
415	51492	Mr. Davis, R-VA				14	
417	56565	Mr. Stockman, R-TX				15	
425	52472	Mr. Gutknecht, R-MN				16	
1216	53601	Mrs. Seastrand, R-CA				17	-
1319	56216	Mr. Tiahrt, R-KS				18	
410	52211	Mr. Largent, R-OK					-
114	56831	Mr. Hilleary, R-TN				19	-
1114	52311	Mrs. Cubin, R-WY				19	
506	55792	Mr. Foley, R-FL				29	-
509	51976	Mrs. Myrick, R-NC				20	
2300	56161	Mr. Brown, D-CA			1		
2236	56673	Mr. Hall, D-TX			19		-
2446	55261	Mr. Traficant, D-OH			1		-
2432	52031	Mr. Hayes, D-LA					-
1127	54714	Mr. Tanner, D-TN			2		-
2448	55071	Mr. Geren, D-TX				21	
407	53915	Mr. Roemer, D-IN				22	
236	54801	Mr. Cramer, D-AL				23	
1410	58171	Mr. Barcia, D-MI					-
217	56411	Mr. McHale, D-PA				24	
325	58220	Ms. Harman, D-CA				25	
1123	58885	Ms. Johnson, D-TX					-
1415	52331	Mr. Minge, D-MN			(10)		-
1027	55335	Mr. Oliver, D-MA					-
1039	51313	Mr. Hastings, D-FL			3		
1116	56261	Ms. Rivers, D-MI			4		
1232	54535	Ms. McCarthy, D-MO					-
1032	55401	Mr. Ward, D-KY			5		
118	53072	Ms. Lofgren, D-CA			6		
126	54865	Mr. Doggett, D-TX					-
1218	52135	Mr. Doyle, D-PA			8		-
1520	53816	Ms. Jackson Lee, D-TX			7		
1419	52271	Mr. Luther, D-MN				26	
TOTAL					10	37	

Attest: *Patricia Edwards* (Clerk)

The CHAIRMAN. Mr. Ehlers?

Mr. ROEMER. Mr. Chairman, am I—Do I need to make a motion?

The CHAIRMAN. Oh, I am sorry. I need to go to Mr. Roemer. Would you like to renew your unanimous consent request?

Mr. ROEMER. I would, Mr. Chairman. I ask unanimous consent to make a technical change to page 49 on line 12. Change the “and” to “or” and after [b] add in “the Administrator of Science and Technology finds that”.

Technical Amendment Offered by Mr. Roemer
to the Amendment In The Nature Of A Substitute

(References page 49 - lines 12 and 13 only.)

9

F:\M4\WALKER\WALKER.055

H.L.C.

49

1 (D) The preparation of
2 hydrometeorological guidance and core forecast
3 information.

4 (3) LIMITATIONS ON COMPETITION.—The Na-
5 tional Weather Service may not compete, or assist
6 other entities to compete, with the private sector to
7 provide a service when that service is currently pro-
8 vided or can be provided by a commercial enterprise
9 unless—

10 (A) the Administrator of Science and
11 Technology finds that the private sector is un-
12 willing or unable to provide the service; and or

On page ---12
On page ---13 insert after (B) the Administrator of Science and Technology finds that the

14 warnings and forecasts for the protection of
15 lives and property of the general public.

16 (4) ORGANIC ACT AMENDMENTS.—

17 (A) AMENDMENTS.—The Act of 1890 is
18 amended—

19 (i) by striking section 3 (15 U.S.C.
20 313); and

21 (ii) in section 9 (15 U.S.C. 317), by
22 striking “Department of” and all that fol-
23 lows thereafter and inserting “United
24 States Science and Technology Administra-
25 tion”

The CHAIRMAN. Is there objection?

[No response.]

The CHAIRMAN. If not, the technical amendment is agreed to.

Mr. EHLERS. Thank you, Mr. Roemer.

Mr. EHLERS. Thank you, Mr. Chairman.

I submitted the amendment which deals with precisely the same paragraph because I thought it was somewhat unclear. The staff assures me that the wording that I had submitted as an amendment is included within the language of the current substitute that you have prepared, and so I will bow to their supposed superior wisdom—[Laughter.]—and withdraw my amendment.

But I do want to enter this into the record that they made that statement so that in case something other than that occurs at some point in the future in a court of law, I can come back and shake my finger in their face and perhaps do a few other things. [Laughter.]

Mr. EHLERS. Having said that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. The Chair would note that the gentleman, in giving us that time, is showing great wisdom on his part, so I thank the gentleman.

Mr. MINGE. Mr. Chairman?

The CHAIRMAN. Mr. Minge.

Mr. MINGE. Earlier in the afternoon I was on the Floor of the House participating in debate, and at that time an amendment by Ms. Harman was considered. I would like to, with unanimous consent, have the record show that I was so engaged in debate on the Floor of the House and that I would have voted in favor of Ms. Harman's amendment had I been present.

The CHAIRMAN. The gentleman's remarks will be recorded.

Mr. BROWN. Mr. Chairman.

The CHAIRMAN. Mr. Brown.

Mr. BROWN. I ask unanimous consent that an opening statement by Mr. Hayes be inserted in the record at the appropriate place.

The CHAIRMAN. Without objection.

Mrs. Morella.

Mrs. MORELLA. Thank you.

I have an amendment at the desk. It is a very simple amendment. All it does is—

The CHAIRMAN. The amendment I think is in the packet and the gentlelady is recognized.

[The amendment follows:]

11

AMENDMENT TO H.R. 1756

OFFERED BY MRS. MORELLA OF MARYLAND

Page 67, line 5, strike section 310.

Mrs. MORELLA [continuing]. In the packet, and it strikes Section 310 on page 67.

Mr. Chairman, through your leadership this Committee has taken an aggressive stance in moving towards a balanced Federal budget. Also, the Committee has attempted to meet our obligations in that effort while also maintaining and prioritizing funding for science and technology programs to make our Nation stronger and more competitive.

We have had debates in all of our subcommittees that have been healthy and necessary as we conduct our business as an authorizing committee in setting public policy for programs and agencies in our jurisdiction.

In light of the above, I have some deep concerns about the effect of Section 310 on our role as an authorizing body and its deleterious ramifications on programs within our jurisdiction.

So I would simply strike Section 310 because it appears only to be included to meet unrealistic budget scoring targets by the Congressional Budget Office. It would not promote budget discipline. Instead, it only serves to needlessly bind the hands of the authorization committees' ability to make necessary and proper policy decisions because it imposes an arbitrary limit of 75 percent of the fiscal year 1994 funding upon our future funding levels.

If this section were forced upon the Committee, we would in essence be shirking our responsibilities as a policy making entity.

If the Committee conducts a thorough investigation and review of all the program activities, why should we be bound by such an arbitrary limitation. In this Congress, we did just that. A very careful and detailed examination was done in all our subcommittees.

In jumping ahead, I want to say that if Section 310 were enacted it would cut an additional \$350 million from NOAA which would almost double the cuts already included in this year's authorization bill.

Additional cuts would absolutely devastate NOAA without the benefit of careful deliberation and analysis by the members of this Committee.

I think appropriate cuts to reduce our deficit need to be made with guidance from the Committee, not by an arbitrary limitation imposed upon us. If that were the case, we would not even be needed. We could just kind of press a button from home and it would be done.

It has been suggested that we should base exemptions on authorizations enacted into law by statutory authorizations. I think that is far too tenuous to accept, since we have no control over whether the House or Senate or Conferees will pass our bills, much less whether the bill will be signed into law.

Even though Section 310 is in H.R. 1756, I understand no other Committee has enacted this provision. If we accept this limitation here in this bill, we may face the specter of similar limitation language on proposed legislation affecting the Department of Energy, NASA, and other agencies, and we simply cannot do that if we expect to have a voice and be a player in this Committee's policy-setting responsibility.

So I commend you, Mr. Chairman, for all the hard work you have done in establishing the balanced budget, and I would respectfully ask this Committee to vote for that amendment to strike 310.

[The full statement of Mrs. Morella follows:]

STATEMENT ON H.R. 1756

Mr. Chairman, I just want the record to reflect my perspective on our purpose here today.

I fully support the objectives of our leadership to reduce the size and cost of government. I am persuaded that we can, through providing better direction to those who serve in the executive branch as managers of the public's business, greatly improve the efficiency of the agencies that perform the public's business. And all of us share the view that there are some programs in government that should be eliminated -- there is too much duplication of functions across agencies, and some functions performed in government now need to be moved to the private sector.

I recognize that, to a great degree, the Commerce Department is caught in these same problems. To some extent, the fault probably lies with Congress which, over the decades, has often created new programs and offices within Commerce without thinking through the cost-efficiency of those programs and offices. But I am not convinced at this juncture that this means that Commerce should be dismantled, as opposed to downsized and redirected. I reserve judgment on that.

But it is clear that our leadership intends to move this legislation to the floor. And if we are to have any voice in this legislation, insofar as it will affect science activities within Commerce, it is imperative that we mark up this bill and express our judgment. And that leads me to the point that is of greatest concern to me.

The bill before us -- the Chrysler bill -- proposes to eliminate statutory authorities for the MEP and ATP programs, which are within the NIST Industrial Technology Services cost center, as well as the Federal Laboratory Consortium. Moreover, the bill would attempt to privatize the NIST laboratories, which are the heart and soul of the very important work that NIST does in the arena of materials research and definition of industrial standards. This work is vital to industry -- as many witnesses at our hearing pointed out.

I support the MEP and ATP programs, as do also many other members of the Committee. I understand and respect the views of those who believe that these activities are simply not appropriate for government to perform. But I am of the view that these programs -- although imperfect in their present structure -- can have a positive impact given the proper direction from Congress. That is why, in my subcommittee, I moved authorizing legislation for each. I know there will be amendments offered today to address the provisions of the bill relating to these programs. I will work with the Chairman to seek consensus on the future of these programs in the context of this legislative proposal to dismantle Commerce.

What gives me greatest concern about the Chrysler bill, however, is the proposed privatization of the NIST laboratories. Not only do I think this to be unwise, I believe it to be unfeasible. Legitimate issues were raised during our processing of the NIST core program authorization legislation regarding various program activities that the President requested which, in the view of many, would have involved NIST in work far afield from its traditional mission of materials sciences and the development of standards. And I sought to ensure in our authorization legislation that NIST laboratories should remain focused upon their core mission, and not attempt to expand into areas outside of their expertise or which were being adequately served within the private sector. But the essential, core mission of NIST cannot be performed by a privatized laboratory system which would inevitably become market oriented and unable to perform its tasks in a manner that serves all of industry. As one of the witnesses before our Committee testified on Tuesday, the caliber of the NIST laboratory employees is "world-class". It would be a travesty if this team of competent, experienced researchers were to be subjected to an uncertain future in which their working environment, research objectives, and team cohesion could be threatened by the vagaries of the marketplace. Our national investment in these laboratories is too large, and the impact of their work too important, to allow that to happen. And no witness before our Committee supported the privatization proposals.

I have similar concerns regarding the programs of NOAA, which I believe must be kept intact in one agency in order to ensure that environmental science research is carried forward within a structure that maximizes our ability to coordinate research objectives and policy guidance, and minimize managerial frictions.

For these reasons, I commend the Chairman for his proposal, contained within the Chairman's amendment, for the creation of a science-oriented, sub-cabinet level agency into which all of the core science functions of Commerce -- the NIST labs and the NOAA programs, in specific -- would be integrated. If enacted into law, this proposal would provide a secure, science based policy and management structure within which the essential activities of NIST and NOAA can be carried forward with integrity.

This is the best and soundest alternative to the continued residence of NIST within a Department of Commerce that we can achieve in this Committee, and I intend and expect to support the Chairman's substitute for this reason.

Mr. CURT WELDON of Pennsylvania. Would the gentlelady yield?
Mrs. MORELLA. Yes, indeed.

Mr. CURT WELDON of Pennsylvania. I want to just take a moment to express my concern about provision 310, also. I understand the Chairman has or would like to insert language that says "subject to future authorization". I think that is a very reasonable proposal if I had confidence that science bills get authorized very easily. I do not think that has been the history in the last several Congresses—

The CHAIRMAN. Would the gentleman yield?

Mr. CURT WELDON of Pennsylvania [continuing]. And I would yield to the Chair.

The CHAIRMAN. The gentlelady has the time.

Mrs. MORELLA. I would yield to the Chairman of the Committee.

The CHAIRMAN. The Chair has been reminded, and it is correct, that the gentlelady's amendment is in the nature of a motion to strike, and the Chair—it cannot amend a motion to strike—and so the Chair is prepared to accept the amendment at this point.

Mrs. MORELLA. Splendid.

Mr. BROWN. Mr. Chairman—

Mrs. MORELLA. Splendid. Accepted.

The CHAIRMAN. Mr. Brown.

Mr. BROWN. Mr. Chairman, I want to commend the Chair on his wisdom in accepting this. I am not at all sure what the ultimate level of expenditure is going to be on those matters that are covered by this bill. It is very fuzzy at the present time. I think it would be unwise for us to adopt language which in effect mandates a very rigid prescription for funding, and one which is radically different from what this Committee has already authorized within the last couple of months.

It would put the Committee in the position of appearing not to know what it was trying to do when it originally authorized, for example, which it did under the guidance of the Chairman at that time.

So I will likewise support it. As I say, I commend you for your willingness to do this.

Mr. CURT WELDON of Pennsylvania. Mr. Chairman, briefly?

The CHAIRMAN. The gentleman from Pennsylvania. It would be helpful—Members are looking to catch airplanes here, and the Chair is taking the amendment in part because I would like to move the Committee.

Mr. CURT WELDON of Pennsylvania. I thank the Chair for yielding, and I would say, not having spoken during this entire markup process—

The CHAIRMAN. Yes, I understand—

Mr. CURT WELDON of Pennsylvania [continuing]. That I would just like to say for the record that I will enter my statement in the record. I appreciate the Chairman's leadership. I think he is making the right decision, and I applaud the gentlelady and I think we should move on.

Thank you.

[The full statement and attachments of Mr. Weldon follow:]

COMMITTEE ON SCIENCE
STATEMENT BY CONGRESSMAN CURT WELDON
SEPTEMBER 14, 1995

MR. CHAIRMAN, HAVING RECENTLY RECEIVED TESTIMONY FROM BOTH THE PRIVATE SECTOR AND THE ADMINISTRATION REGARDING THE DEVASTATING EFFECT DISMANTLING THE DEPARTMENT OF COMMERCE WILL HAVE ON NOAA AND ITS MISSION, I THINK WE ALL AGREE THAT H.R. 1756 IS NOT A VIABLE OPTION. THEREFORE, I APPLAUD YOUR EFFORTS AND WANT TO EXPRESS MY SUPPORT FOR THE WALKER SUBSTITUTE WHICH I BELIEVE IS FAR SUPERIOR TO THE CHRYSLER BILL AS WRITTEN.

HOWEVER, I WANT TO EXPRESS MY STRONG CONCERNS REGARDING SECTION 310 OF BOTH THE CHRYSLER BILL AND THE WALKER SUBSTITUTE. IN PARTICULAR, THIS SECTION SEEMS TO HAVE BEEN INCLUDED IN THE LEGISLATION SIMPLY TO MEET UNREALISTIC BUDGET TARGETS. THIS COMMITTEE HAS ALREADY CLOSELY EXAMINED THE PROGRAMS WITHIN OUR JURISDICTION, AND CUT SPENDING TO COMPLY WITH THE HOUSE PASSED BUDGET RESOLUTION. ALTHOUGH I DID NOT AGREE WITH THE DEEP CUTS IMPOSED ON NOAA IN H.R. 1815, I FELT IT WAS IMPORTANT TO ADHERE TO BUDGET CONSTRAINTS. AN ADDITIONAL 25% ACROSS THE BOARD CUT-- WHICH COULD CUT UP TO AN ADDITIONAL \$350 MILLION FROM NOAA --IS NOT ACCEPTABLE. AS AN AUTHORIZING COMMITTEE, IT IS OUR JOB TO CLOSELY EXAMINE PROGRAMS, NOT TO BLINDLY INSTITUTE ACROSS THE BOARD CUTS.

IN ADDITION, THE CUTS IMPOSED IN SECTION 310 REACH FAR BEYOND THE DEPARTMENT OF COMMERCE. AS THE CHAIRMAN OF THE SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT OF THE HOUSE NATIONAL

SECURITY COMMITTEE, I RECENTLY MET WITH THE DEPUTY OCEANOGRAPHER OF THE NAVY, R.J. PENTIMONTI. I HAVE SUBMITTED FOR THE RECORD A LETTER FROM THE DEPARTMENT OF THE NAVY REGARDING H.R. 1756. AN ADDITIONAL 25% CUT TO NOAA'S BUDGET WOULD DECREASE THE AGENCY'S FUNDING FOR A NEW CONVERGED INTERAGENCY SATELLITE PROGRAM, THE NATIONAL POLAR-ORBITING OPERATIONAL SATELLITE SYSTEM. A DECREASE IN THE NUMBER OF SATELLITES WOULD ENDANGER MILITARY MISSIONS, PERSONNEL, AND EQUIPMENT. THUS, A DECREASE IN NOAA'S FUNDING FOR THIS IMPORTANT JOINT PROGRAM WOULD REQUIRED A SIGNIFICANT INCREASE IN DOD APPROPRIATIONS TO FULFILL THE NAVY'S REQUIREMENTS.

I BELIEVE SECTION 310 IS BAD POLICY. IF WE NEED TO CUT MORE FROM THE PROGRAMS WITHIN OUR JURISDICTION, WE OUGHT TO REEXAMINE THE REAUTHORIZATION BILLS WHICH OUR COMMITTEE PASSED EARLIER THIS YEAR. WE SHOULD NOT BLINDLY INSTITUTE AN ACROSS THE BOARD CUT TO MEET ARBITRARY BUDGET TARGETS. FOR THESE REASONS, I WILL SUPPORT THE AMENDMENT OFFERED BY MY COLLEAGUE FROM MARYLAND, CONGRESSWOMAN MORELLA, TO STRIKE SECTION 310 OF THE WALKER SUBSTITUTE.



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

5450
Ser 963/50573474
14 Sep 1995

The Honorable Curt Weldon
Chairman
House Committee on National Security
Subcommittee on Military Research and Development
Washington, DC 20515-6035

Dear Mr. Chairman:

Thank you for your interest in the impact of HR 1756, "To abolish the Department of Commerce," on the Navy's operating forces. We are very concerned that the bill, as drafted, would have a negative impact on national security by undercutting the cost-effective cooperation between Navy and the National Oceanic and Atmospheric Administration (NOAA). Budget cuts and termination of some NOAA programs would decrease the real-time availability of meteorological and oceanographic data and negatively impact Navy's ability to provide tactical support for warfighting and peacekeeping operations worldwide.

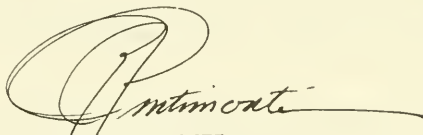
Most detrimental to the Navy are:

Meteorological Satellites: Polar-orbiting satellites are required to support Navy tactical weapon systems and operations. The across-the-board decrease in funding to 75% of FY 1994 levels would decrease NOAA's funding for a new converged interagency satellite program, the National Polar-orbiting Operational Environmental Satellite System. Without a major increase in DOD appropriations, the number of satellites would not be sufficient to satisfy the imagery refresh rate required for Navy operations, endangering military missions, personnel, and equipment. If NOAA were not a partner in a converged polar-orbiting system, ongoing negotiations with the civilian European Space Agency to provide one of the three satellites, upon which the Navy refresh rate is dependent, would be jeopardized.

Privatization of the National Data Centers: The Navy relies heavily on NOAA's three national data centers for input to our tactical systems. We are concerned that privatized centers would focus on data having the greatest commercial value, not on Federal or military requirements. International agreements that promote data sharing would be limited or disrupted by privatization, seriously degrading Navy access to tactically required real-time weather and ocean data worldwide.

Thank you for providing an opportunity for us to voice our concerns about the proposed cuts to NOAA's programs. As you requested, we will provide you with additional details concerning the budgetary impact to DOD.

Sincerely yours,

A handwritten signature in black ink, appearing to read "R. J. Pentimonti", with a large, stylized initial "P" and a long horizontal flourish extending to the right.

R. J. PENTIMONTI
Deputy
Oceanographer of the Navy
Acting

The CHAIRMAN. The Chair will put the question.

Those in favor will say, aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed, say no.

[No response.]

The CHAIRMAN. The ayes have it. The amendment is agreed to.

Ms. JACKSON-LEE.

Ms. JACKSON-LEE. Thank you, Mr. Chairman.

I would like for the Clerk to—I have an amendment at the desk——

The CHAIRMAN. The Clerk will distribute the amendment.

Ms. JACKSON-LEE [continuing]. And it is numbered as No. 2.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the last word and hope the amendment will be accepted——

The CHAIRMAN. Well, we need——

Ms. JACKSON-LEE [continuing]. As read, at the desk.

The Chairman [continuing]. To get this amendment distributed because the members do not have this in their packet.

The gentlelady will be recognized in support of her amendment.

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order——

The CHAIRMAN. Would the gentleman withhold until—the Chair has not even seen a copy of the amendment yet.

[Pause.]

The gentlelady is recognized on her amendment, and then the gentleman from Wisconsin will be recognized on his point of order. Let the gentlelady describe her amendment.

[The amendment follows:]

#2

AMENDMENT TO THE WALKER AMENDMENT IN THE NATURE OF
A SUBSTITUTE to H.R. 1756

OFFERED BY MS. JACKSON LEE

page 55, beginning at line 20, strike Section 213.

Ms. JACKSON-LEE. Mr. Chairman, first let me acknowledge that I think this Committee's jurisdiction and my belief by being a member of this Committee supports science and technology.

Let me also note for this Committee and those attending this hearing that yesterday a trade agency was constructed in one of our committees.

I now would like to remind my colleagues of several important points as to why I would like to eliminate the United States Science and Technology Administration.

First, it is widely agreed that since the Second World War technology has been one of the principal drivers of sustained economic growth within the American economy.

Over 50 percent of the Nation's growth over the past 50 years related to the development and use of technology. In today's fierce and dynamic environment, our economy depends upon the ability of U.S. companies to not merely survive but innovate and prosper.

Secondly, global competition is now the norm. Emerging markets in Russia, Eastern Europe, China, and Asia represent incredible opportunities for the high-tech energy and financial industries.

The competition for these markets is becoming even more ruthless as French, Korean, Japanese, and German companies vie with the U.S. for dominant positions within them.

Thus, how can anyone rationally refute the strong synergy between commerce, trade and technology?

It is my belief that, because of this, the Department of Commerce is essential to the economic growth and well-being of this country.

The issue is not whether we can afford the DoC but whether we can afford to be without the Department of Commerce.

Many of the technology, products, and companies which have contributed significantly to the Nation's gross domestic product found their genesis in the basic R&D labs of academia, private industry, and government laboratories.

Regardless, investment in the public and private sectors has declined from an annual growth of 4 percent during the 1980s to 1.5 percent for the first three years of the 1990s.

To meet fierce competition and stockholder demands, many U.S. companies have begun and chosen to pursue short-term goals. Today, U.S. companies invest less than 5 percent of their R&D in long-term risky projects.

Companies like AT&T, IBM, and Xerox, responsible for many breakthroughs and Nobel Prizes, have dramatically reduced their basic research expenditures.

Compared to Germany and Japan, the U.S. spends less on non-defense R&D as a percentage of their GNP. We should keep in mind that these economic juggernauts have implemented on many levels public-private partnerships with a stated goal of achieving dominance the world over.

It is with this understanding that Congress created programs like the Manufacturing Extension Program that has been extended and, unfortunately, the Advanced Technology Program which has been eliminated—programs intended to assist the private industry in advancing not specific companies but rather broad technologies applicable to many disciplines and industries.

It is not the purpose of these programs to choose technological winners and losers, but to assist American business in its fight against foes all over the world.

While the Cold War is over, the Economic War has only begun.

It is important that the Department of Commerce represent an economic mechanism balanced with science and technology uniquely having a mission to bring together the complementary areas of research, trade, and economic development. Why create a duplicate agency?

Since it has been established that each of these is important to the economic vitality of the United States, it is only common sense to encourage and assist these synergistic qualities.

Though the Department of Commerce has breadth, it has one overriding focus: the creation of jobs and the promotion of long-term competitiveness of the Nation's economy. Science and technology are at the cutting edge of this.

It is to that end that all the bureaus of the department contribute to the five highly intertwined areas: export growth, advancement of civilian technology, promotion of economic stewardship, promotion of economic development, and providing needed supporting economic information and analysis.

With the smallest budget of any Cabinet Department, the Department of Commerce has one of the best investment returns of any area in government or private industry. Many of my colleagues have voiced concerns about the futures of our children and our children's children. I know of no better way to ensure their future than continuing the efforts and activities of the partnership between the Commerce Department and technology for the enhanced future economic growth for our Nation.

This new Department costs money; it does not save money. Nothing in the testimony that we heard last Tuesday indicated any major savings that the creation of a United States Space and Technology Agency would bring about.

There has been no testimony to suggest that the Commerce Department, combined with these R&D agencies and science-based agencies, have not done the job that they needed to do. Downsizing is important, but the idea of combining marketing, technology, trade, are all important aspects of making sure that the Commerce Department, but more importantly the United States, remains on the leading edge of competing in the world market.

I would ask my colleagues to support this amendment which would eliminate duplication of a job that is already done.

Mr. SENSENBRENNER. Mr. Chairman?

Ms. JACKSON-LEE. I yield back the balance of my time.

The CHAIRMAN. The time of the gentlelady has expired.

Mr. SENSENBRENNER. Mr. Chairman?

The CHAIRMAN. The gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, first let me withdraw my reservation of a point of order—

The CHAIRMAN. The gentleman withdraws his reservation.

Mr. SENSENBRENNER [continuing]. And seek recognition in opposition to the amendment.

The CHAIRMAN. The gentleman seeks recognition. The gentleman is recognized.

Mr. SENSENBRENNER. Mr. Chairman, unfortunately this amendment does not do what the gentlewoman from Texas says it will.

By striking the authorization for the United States Science and Technology Administration, it does not repeal the abolition of the Department of Commerce.

So if the amendment offered by the gentlewoman from Texas is adopted, we will have abolished NIST, we will have abolished NOAA, and we will not have put them in any place, so there will be no more NOAA, and there will be no more NIST, and there will not be a Department of Commerce, either.

So this is more like the original Chrysler bill rather than what this Committee has crafted.

I would hope, for that reason, that the Committee would reject the amendment, and yield back the balance of my time.

The CHAIRMAN. I thank the gentleman.

The gentleman from California.

Mr. BROWN. Mr. Chairman, I recognize that you are trying to move expeditiously here, and I suspect that you have the votes to expeditiously dispose of this amendment, but my feeling is that the issues raised by the gentlelady from Texas need to be explored here.

The primary issue is the question of why are we taking the steps of abolishing a department without being able to demonstrate any cost savings as a result of it?

The only substantial cost savings that you could point to were the 75 percent reductions which were eliminated when we adopted the last amendment.

We have, as far as I can tell, no assurance that the redistribution of the various functions of the Department of Commerce and the creation of a new bureaucratic superstructure in the form of the Science and Technology Agency are going to save money.

In fact, I have before me a chart—which I think ought to go in the record—pointing out that we actually create several additional high level administrative positions more than we eliminate when we eliminate the Department of Commerce.

[The chart referred to follows:]

COMPARISON OF FUNDING LEVELS IN H.R. 1756
COMPARED TO WHAT THE COMMITTEE DID IN H.R. 1870

PROGRAM	CURRENT FUNDING LEVEL IN F.Y. 95	F.Y. 96 REQUEST	H.R. 1870 (as reported)	H.R. 1756 Level (75% of F.Y. 94)
Technology Administration	9992.0	13906.0	5066.0	5016.8
NTIS	77798.0	75000.0		26110.5
NIST --				
Electronics	35427.0	42067.0	39628.0	19191.0
Manufacturing	18593.0	19368.0	19565.0	9965.3
Chemical Science and Technology	30915.0	37106.0	28127.0	16946.3
Physics	27808.0	28222.0	28082.0	20121.0
Materials Science and Technology	50672.0	54001.0	54314.0	32547.8
Building and Fire Research	16321.0	18834.0	13517.0	9539.3
Computer systems	37863.0	45052.0	30704.0	20798.3
Applied mathematics and scientific computing	7567.0	9500.0	10964.0	4944.8
Technology assistance	14849.0	18514.0	19109.0	8390.3
Research support activities	30498.0	28305.0	28169.0	19036.5
ATP	341.0	491.0	-0-	59.6
MEP	74.0	147.0	-0-	26.3
Quality	3.7	4.8	3.4	2.1
Construction	198399.0	69913.0	62055.0	18995.3

Mr. BROWN. Furthermore, other committees—Natural Resources for example—have acted already to create a National Marine Resources Agency corresponding to the Science and Technology Agency.

The Ways and Means Committee is proposing a Trade Administration separate from the present U.S. Trade Administration, another bureaucracy, to replace the lost functions.

I recognize that the way we are doing this probably precludes us having any really good information from the authorized agencies that score these things, but I think that needs to be pointed to.

In fact, we probably cannot get that information until we have seen the final wording of this bill after it has been put together by all the various chairmen who may have worked out their differences and they presented language then to the Congressional Budget Office which they can use to score it.

Now I am going to contend—and I do not think you can refute it—that this bill does not save any money. It destroys an effective existing organization, as the gentlelady from Texas has pointed out, and that we are acting in a fashion not befitting the record that this Committee has established before.

Now having said that, I recognize all of the political imperatives that are at work here: the need to establish that you have actually removed a department. We will find out later how many other sub-departments have been created, and we will say, well, it is too bad but we did not realize all that was going on at the time, and we will see a lessening of the effectiveness of many programs that we have acknowledged here, and the witnesses have testified as to the effectiveness of.

I do not like to legislate in that fashion, and I think that the gentlelady from Texas has performed a service by offering an amendment which allows us to at least put on the record the deficiencies in the process that we are following at this time.

Ms. JACKSON-LEE. Would the gentleman yield?

Mr. BROWN. I would be happy to yield to the gentlelady, if I have any time left.

Ms. JACKSON-LEE. Mr. Brown, very briefly, I thank you for that. In fact, I think you and the gentleman from Wisconsin make my points.

One, you have re-emphasized the point that there are no savings with the creation of this agency. But I do not eliminate NOAA and NIST with the elimination of this particular type of agency that is now proposed. I give us an opportunity, however, to be able to address the real question of is this the right vehicle in which to put these independent subsets of the Commerce Department, which neither one have offered or suggested that they are not functioning well in the context of technology and trade.

So I would say that the elimination of this United States Science and Technology Administration allows us to move in the direction that I think is more appropriate, which is a Commerce Department downsized but effectively utilizing technology and trade for furtherment of economic growth.

The CHAIRMAN. Are there additional members that wish to be recognized?

[No response.]

The CHAIRMAN. If not, the Chair will close the debate with just a brief statement.

First of all, whether or not there are cost savings, there are times that you ought to restructure and rescope government to have its mission be properly articulated.

In part, I think that is what we are doing here. What we are doing follows the testimony that came before this Committee just the other day.

Secondly, I believe that there will be cost savings. CBO estimates that about \$60,000 is saved for each FTE eliminated. We are saving FTEs by eliminating ATP, by elimination of the Office of the Under Secretary for Technology, elimination of FTEs from the NTIS budget, elimination of the NOAA fleet, and elimination of other NOAA programs, elimination of the Assistant Secretary and Deputy Under Secretary of NOAA, and such offices.

There are considerable savings involved in a lot of that kind of work. It is true that in forming other agencies that you would have some additional responsibilities there, but I think in the end this has a chance of saving some money, plus the fact in the end I think it will make sense to have the science agencies grouped under this particular office, and I would urge the rejection of the gentlelady's amendment.

Ms. JACKSON-LEE. Would the gentleman yield for a question, please?

Would the gentleman yield for a question?

The CHAIRMAN. I would be happy to yield to the gentlelady.

Ms. JACKSON-LEE. Pardon me?

The CHAIRMAN. I would be happy to yield.

Ms. JACKSON-LEE. I appreciate the intent of the creation of STA, but I have information that indicates that STA would result in eight presidential appointed positions, as compared to six under the Department of Commerce.

So I know that prospectively we might have to wait on numbers to determine whether there are savings, but I might add, respectfully, that this, in addition to drawing together science and technology agencies, was also offered as streamlining and reducing costs, and clearly it does not. We take away the important aspect of what the Commerce Department does.

So I just wanted to offer that for the gentleman's consideration, that there are eight appointees under this new agency, presidential appointees.

The CHAIRMAN. The gentlelady has made a representation which I do not believe is correct. We think we have four presidential appointees, which in fact is less.

With that, the Chair would put the question. Those in favor of the gentlelady's amendment will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair the noes—

Ms. JACKSON-LEE. Mr. Chairman, I would like a roll call vote.

The CHAIRMAN. The gentlelady requests a roll call vote. The Clerk will call the roll.

The CLERK. Mr. Walker.

The CHAIRMAN. No.
 The CLERK. Mr. Walker votes no.
 Mr. Sensenbrenner.
 Mr. SENSENBRENNER. No.
 The CLERK. Mr. Sensenbrenner votes no.
 Mr. Boehlert.
 Mr. BOEHLERT. No.
 The CLERK. Mr. Boehlert votes no.
 Mr. Fawell.
 Mr. FAWELL. No.
 The CLERK. Mr. Fawell votes no.
 Mrs. Morella.
 Mrs. MORELLA. No.
 The CLERK. Mrs. Morella votes no.
 Mr. Weldon of Pennsylvania.
 Mr. CURT WELDON. No.
 The CLERK. Mr. Weldon votes no.
 Mr. Rohrabacher.
 Mr. ROHRABACHER. No.
 The CLERK. Mr. Rohrabacher votes no.
 Mr. Schiff.
 Mr. SCHIFF. No.
 The CLERK. Mr. Schiff votes no.
 Mr. Barton.
 Mr. BARTON. No.
 The CLERK. Mr. Barton votes no.
 Mr. Calvert.
 [No response.]
 The CLERK. Mr. Baker.
 Mr. BAKER. No.
 The CLERK. Mr. Baker votes no.
 Mr. Bartlett.
 Mr. BARTLETT. No.
 The CLERK. Mr. Bartlett votes no.
 Mr. Ehlers.
 Mr. EHLERS. No.
 The CLERK. Mr. Ehlers votes no.
 Mr. Wamp.
 Mr. WAMP. No.
 The CLERK. Mr. Wamp votes no.
 Mr. Weldon of Florida.
 Mr. DAVE WELDON of Florida. No.
 The CLERK. Mr. Weldon votes no.
 Mr. Graham.
 Mr. GRAHAM. No.
 The CLERK. Mr. Graham votes no.
 Mr. Salmon.
 Mr. SALMON. No.
 The CLERK. Mr. Salmon votes no.
 Mr. Davis.
 [No response.]
 The CLERK. Mr. Stockman.
 Mr. STOCKMAN. No.
 The CLERK. Mr. Stockman votes no.

Mr. Gutknecht.
 Mr. GUTKNECHT. No.
 The CLERK. Mr. Gutknecht votes no.
 Mrs. Seastrand.
 Mrs. SEASTRAND. No.
 The CLERK. Mrs. Seastrand votes no.
 Mr. Tiahrt.
 Mr. TIAHRT. No.
 The CLERK. Mr. Tiahrt votes no.
 Mr. Largent.
 [No response.]
 The CLERK. Mr. Hilleary.
 Mr. HILLEARY. No.
 The CLERK. Mr. Hilleary votes no.
 Mrs. Cubin.
 Mrs. CUBIN. No.
 The CLERK. Mrs. Cubin votes no.
 Mr. Foley.
 Mr. FOLEY. No.
 The CLERK. Mr. Foley votes no.
 Mrs. Myrick.
 Mrs. MYRICK. No.
 The CLERK. Mrs. Myrick votes no.
 Mr. Brown.
 Mr. BROWN. Yes.
 The CLERK. Mr. Brown votes yes.
 Mr. Hall.
 Mr. HALL. Aye.
 The CLERK. Mr. Hall votes yes.
 Mr. Traficant.
 [No response.]
 The CLERK. Mr. Hayes.
 [No response.]
 The CLERK. Mr. Tanner.
 Mr. TANNER. Yes.
 The CLERK. Mr. Tanner votes yes.
 Mr. Geren.
 Mr. GEREN. Aye.
 The CLERK. Mr. Geren votes yes.
 Mr. Roemer.
 Mr. ROEMER. Aye.
 The CLERK. Mr. Roemer votes yes.
 Mr. Cramer.
 Mr. CRAMER. No.
 The CLERK. Mr. Cramer votes no.
 Mr. Barcia.
 Mr. BARCIA. No.
 The CLERK. Mr. Barcia votes no.
 Mr. McHale.
 Mr. MCHALE. No.
 The CLERK. Mr. McHale votes no.
 Ms. Harman.
 Ms. HARMAN. No.
 The CLERK. Ms. Harman votes no.

Ms. Johnson.

Ms. JOHNSON. Aye.

The CLERK. Ms. Johnson votes yes.

Mr. Minge.

Mr. MINGE. No.

The CLERK. Mr. Minge votes no.

Mr. Olver.

[[No response.]

The CLERK. Mr. Hastings.

Mr. HASTINGS. Aye.

The CLERK. Mr. Hastings votes yes.

Ms. Rivers.

Ms. RIVERS. Aye.

The CLERK. Ms. Rivers votes yes.

Ms. McCarthy.

[No response.]

The CLERK. Mr. Ward.

Mr. WARD. Aye.

The CLERK. Mr. Ward votes yes.

Ms. Lofgren.

Ms. LOFGREN. Yes.

The CLERK. Ms. Lofgren votes yes.

Mr. Doggett.

[No response.]

The CLERK. Mr. Doyle.

Mr. DOYLE. Yes.

The CLERK. Mr. Doyle votes yes.

Ms. Jackson-Lee.

Ms. JACKSON-LEE. Aye.

The CLERK. Ms. Jackson-Lee votes yes.

Mr. Luther.

Mr. LUTHER. Yes.

The CLERK. Mr. Luther votes yes.

Ms. JOHNSON. How am I recorded, Mr. Chairman.

The CHAIRMAN. How is Ms. Johnson recorded.

The CLERK. Ms. Johnson is not recorded.

Ms. JOHNSON. I voted aye.

The CLERK. Ms. Johnson votes aye.

Mr. GEREN. How was I recorded.

The CLERK. Mr. Geren is not recorded.

Mr. GEREN. Aye.

The CLERK. Mr. Geren votes aye.

The CHAIRMAN. The Clerk will report.

[Pause.]

The CLERK. Mr. Chairman, the recorded vote is. Yes, 13; No, 29.

The CHAIRMAN. The amendment is not agreed to.

[The full statement of Ms. Jackson-Lee and the results of the rollcall vote follow:]

SHEILA JACKSON LEE
18TH DISTRICT, TEXAS

COMMITTEES

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON CRIME

COMMITTEE ON SCIENCE
SUBCOMMITTEE ON SPACE AND AERONAUTICS
SUBCOMMITTEE ON BASIC RESEARCH
STEERING COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515

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THE GEORGE "MICKEY" LELAND FEDERAL BUILDING
HOUSTON, TEXAS 77002
713-655-0050

Committee on Science

United States House of Representatives

Markup of H.R. 1756

A Bill to Dismantle the Department of Commerce

September 14, 1995

Amendment Statement Made By Congresswoman Sheila Jackson Lee

I would like to remind my colleagues of several very important points, related to our deliberations here today:

First, it is widely agreed that since the second world war, technology has been one of the principal drivers of sustained economic growth within the American economy. Over 50% of the Nation's growth over the past 50 years is related to the development and use of technology. In today's fierce and dynamic environment, our economy depends on the ability of U.S. companies to not merely survive, but innovate and prosper.

And secondly, global competition is now the norm. Emerging markets in Russia, Eastern Europe, China and Asia represent incredible opportunities for the high-tech, energy and financial industries.

The competition for these markets is becoming ever-more ruthless as French, Korean, Japanese, and German companies vie with the U.S. for dominant positions within them.

Thus, how can anyone rationally refute the strong synergy between commerce, trade and technology. And it is my belief that because of this, the Department of Commerce is essential to the economic growth and well-being of this country. The issue is not whether we can afford the DOC, but rather can we afford to be without the DOC.

Many of the technology products and companies which have contributed significantly to the nation's gross domestic product found their genesis in the basic R&D labs of academia, private industry and government laboratories.

Regardless, investment in the public and private sectors has declined from an annual growth rate of 4% during the 1980's to 1.5% for the first 3 years of the 90's. To meet fierce competition and stockholder demands, many U.S. companies have chosen to pursue short-term goals. Today, U.S. companies invest less than 5% of their R&D in long-term, risky projects. Companies like AT&T, IBM, and Xerox, responsible for many breakthroughs and Nobel prizes, have dramatically reduced their basic research expenditures.

Compared to Germany & Japan the US spends less on non-defense R&D as a percentage of GDP. We should keep in mind that these economic juggernauts have implemented on many levels, public-private

partnerships with the stated goal of achieving dominance the world over.

It is with this understanding that Congress created programs like the Manufacturing Extension Program and the Advanced Technology Program. Programs intended to assist the private industry in advancing not specific companies but rather broad technologies applicable to many disciplines and industries. It is not the purpose of these programs to chose technological winners and losers, but to assist American business in its fight against its foes the world over. While the cold war is over, the economic war has only begun.

The Department Of Commerce represents an economic mechanism with the very unique mission of bringing together the complimentary areas of research, trade and economic development. Since it has been established that each of these is important to the economic vitality of the United States, it is only common sense to encourage and assist their synergistic qualities.

Though the Department of Commerce has breadth, it has one overriding focus, the creation of jobs and the promotion of long-term competitiveness of the Nation's economy. And it is to that end that all of the bureaus of the Department contribute to the five highly intertwined areas: export growth, advancement of civilian technology, promotion of economic stewardship, promotion

of economic development and providing needed supporting economic information and analysis.

With the smallest budget of any Cabinet department, the Department Of Commerce has one of the best investment returns of any area in government or private industry. Many of my cohort have voiced concerns about the futures of our children and our children's children. I know of no better way to insure their future than continuing the efforts and activities of the Commerce Department.

COMMITTEE ON SCIENCE - 104TH CONGRESS ***** ROLL CALL

SUBJECT: *HR 1756: Amendment by Mrs. Jackson - L*

Rm.	Phone	Name	Present	Absent	Yes	No	Not Voting
2369	52411	Mr. Walker, R-PA				1	
2332	55101	Mr. Sensenbrenner, R-WI				2	
2246	53665	Mr. Boehlert, R-NY				3	
2159	53515	Mr. Fawell, R-IL				4	
106	55341	Mrs. Morella, R-MD				5	
2452	52011	Mr. Curt Weldon, R-PA				6	
2338	52415	Mr. Rohrabacher, R-CA				7	
2404	56316	Mr. Schiff, R-NM				8	
2264	52002	Mr. Barton, R-TX				9	
1034	51986	Mr. Calvert, R-CA					—
1724	51880	Mr. Baker, R-CA				10	
322	52721	Mr. Bartlett, R-MD				11	
1717	53831	Mr. Ehlers, R-MI				12	
423	53271	Mr. Wamp, R-TN				13	
216	53671	Mr. Dave Weldon, R-FL				14	
1429	55301	Mr. Graham, R-SC				15	
115	52635	Mr. Salmon, R-AZ				16	
415	51492	Mr. Davis, R-VA					—
417	56565	Mr. Stockman, R-TX				17	
425	52472	Mr. Gutknecht, R-MN				18	
1216	53601	Mrs. Seastrand, R-CA				19	
1319	56216	Mr. Tiahrt, R-KS				20	
410	52211	Mr. Largent, R-OK					—
114	56831	Mr. Hilleary, R-TN				21	
1114	52311	Mrs. Cubin, R-WY				22	
506	55792	Mr. Foley, R-FL				23	
509	51976	Mrs. Myrick, R-NC				24	
2300	56161	Mr. Brown, D-CA			1		
2236	56673	Mr. Hall, D-TX			2		
2446	55261	Mr. Traficant, D-OH					—
2432	52031	Mr. Hayes, D-LA					—
1127	54714	Mr. Tanner, D-TN			3		
2448	55071	Mr. Geren, D-TX			13		—
407	53915	Mr. Roemer, D-IN			4		
236	54801	Mr. Cramer, D-AL				25	
1410	58171	Mr. Barcia, D-MI				26	
217	56411	Mr. McHale, D-PA				27	
325	58220	Ms. Harman, D-CA				28	
1123	58885	Ms. Johnson, D-TX			12		—
1415	52331	Mr. Minge, D-MN				29	
1027	55335	Mr. Olver, D-MA					—
1039	51313	Mr. Hastings, D-FL			5		
1116	56261	Ms. Rivers, D-MI			6		
1232	54535	Ms. McCarthy, D-MO					—
1032	55401	Mr. Ward, D-KY			7		
118	53072	Ms. Lofgren, D-CA			8		
126	54865	Mr. Doggett, D-TX					—
1218	52135	Mr. Doyle, D-PA			9		
1520	53816	Ms. Jackson Lee, D-TX			10		
1419	52271	Mr. Luther, D-MN			11		
		TOTAL			13	29	

Attest:

Patricia Schwartz (Clerk)

Ms. JACKSON-LEE. Mr. Chairman.

The CHAIRMAN. Ms. Jackson-Lee.

Ms. JACKSON-LEE. I have two more amendments at the desk that I will take en bloc, sir. Those are my last two amendments.

Mr. SENSENBRENNER. Mr. Chairman, I reserve points of order against each of them, since we have not seen them.

The CHAIRMAN. The Clerk will distribute the amendments.

[Amendments distributed.]

Ms. JOHNSON. Mr. Chairman——

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman withdraws his points of order.

Mr. SENSENBRENNER. I withdraw my point of order.

[The amendments follow:]

#5

AMENDMENT TO THE WALKER AMENDMENT IN THE NATURE OF
A SUBSTITUTE TO H.R. 1756

OFFERED by MS. JACKSON LEE

page 29, beginning at line 5, strike Section 206.

WALKER
AMENDMENT TO THE ^VAMENDMENT IN THE NATURE OF A
SUBSTITUTE TO H.R. 1756

OFFERED BY MS. JACKSON LEE

page 39, beginning at line 22, strike Section 211.

The CHAIRMAN. The gentlelady is recognized.

Ms. JACKSON-LEE. Thank you very much, Mr. Chairman.

For the Members, I am taking Amendments 5 and 4 en bloc that are before you and will make some very brief and general comments.

First of all, this is——

The CHAIRMAN. Did the gentlelady ask that her amendments be considered en bloc.

Ms. JACKSON-LEE. Yes, Mr. Chairman, Nos. 5 and 4.

The CHAIRMAN. The gentlelady asks unanimous consent that her amendments be considered en bloc.

Ms. JACKSON-LEE. You are correct, Mr. Chairman.

The CHAIRMAN. Is it the——

Ms. JACKSON-LEE. Let me say that I am asking and agreeing that your comments are correct, I ask for unanimous consent that they be accepted en bloc.

The CHAIRMAN. That is what the Chair said.

Is there objection.

[No response.]

The CHAIRMAN. Without objection, the amendments will be considered en bloc.

Ms. JACKSON-LEE. Thank you. I thought I would sneak in the word "accepted," but you corrected me and got it considered. Thank you, Mr. Chairman.

These two amendments are responding again to my general concerns and opposition to the restructuring that eliminates certain important agencies dealing with trade and technology and combined with science.

So the amendment number five deals with reinstating the Technology Administration and several others that have been eliminated and/or transferred to the United States Science and Technology Administration.

Number four keeps NOAA inside the Commerce Department, but keeps it as it is rather than to have it presently without a home.

Primarily, NOAA has opposed being separated from the Commerce Department, which I still think should be an option in terms of the dismantling of that agency.

NOAA and Commerce can link societal and economic decisions with an understanding of the Earth's environment.

It is also important that transferring OAR and official global programs would decouple synergy between NOAA research and other parts of the Department of Commerce.

For example, NOAA research results in climate and ocean monitoring are being applied to management of fisheries. I think this is disjointed. I think it is not responsive to the idea of science and technology and the task of these particular agencies, and I would ask my colleagues to support these amendments in order to ensure that we are affirming the particular tasks that these agencies have.

Mr. SENSENBRENNER. Mr. Chairman.

Ms. JACKSON-LEE. I yield back the balance of my time.

The CHAIRMAN. The gentlelady yields back the balance of her time.

The gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendments.

The CHAIRMAN. The gentleman is recognized.

Mr. SENSENBRENNER. Mr. Chairman, what is disjointed are the amendments. I had wished that the gentlewoman from Texas had taken some time to properly draft her amendments to accomplish what she wants to do.

Now if these amendments are adopted, we still have language in the bill that she tried to strike and failed in the last amendment that transfers NOAA and NIST to the United States Science and Technology Administration, but we do not have them taken out of the Commerce Department, which is what the language on pages 29 and 39 do; but the earlier language in the bill abolishes the Commerce Department.

Now if that makes no sense, that is exactly what her amendments do and that is why they ought to be rejected.

I yield back the balance of my time.

The CHAIRMAN. Is there further discussion on the amendments.

Ms. JACKSON-LEE. May I ask a question of Mr. Sensenbrenner, please.

Mr. SENSENBRENNER. No.

The CHAIRMAN. The gentleman has yielded back the balance of his time.

Ms. JACKSON-LEE. All in the spirit of cooperative legislation. I appreciate it, Mr. Chairman. That's all right. But I will say that the reason—

The CHAIRMAN. The gentlelady has not been recognized. The gentlelady has yielded back—

Ms. JACKSON-LEE. Well, I think insulting comments about legislation should be corrected.

The CHAIRMAN. The gentlelady—

Mr. SENSENBRENNER. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentlelady's time had expired. The gentleman from Wisconsin's time has expired.

Mr. BROWN. Mr. Chairman?

Ms. JACKSON-LEE. That is unfortunate.

The CHAIRMAN. The gentleman from California.

Mr. BROWN. I move to strike the last word.

The CHAIRMAN. The gentleman is recognized.

Mr. BROWN. I would be happy to yield to Ms.—

Ms. JACKSON-LEE. I appreciate it very much, Mr. Brown. I would simply make an inquiry, just from the order of legislation. Maybe if we had been able to receive the substitute amendment before one o'clock yesterday afternoon, there might have been adequate study; but I still think the point of the amendments are clear.

There are not any inaccuracies in what I am attempting to do. It is to include, or to restate certain agencies that have now been moved to and/or eliminated from this particular legislation—NOAA in particular and also the Administrative Technology Agency, if I am not reading it right now correctly.

But I do think that these amendments are clear, and I would certainly ask my colleagues to review them in the manner that they have been offered, and to approve these amendments.

Thank you.

Mr. BROWN. I yield back the balance of my time.

Ms. JACKSON-LEE. Thank you, Mr. Brown.

The CHAIRMAN. The gentleman yields back the balance of his time.

The Chair is prepared to put the question. Those in favor of the amendments en bloc will say aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair the noes have it. The noes have it, the amendments are not agreed to.

Are there any further amendments?

[No response.]

The CHAIRMAN. Hearing none, the question is on the amendment in the nature of a substitute as amended.

All those in favor will say, aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say, no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair the ayes have it.

The question is on the bill, H.R. 1756, The Department of Commerce Dismantling Act, as amended.

All those in favor will say, aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say, no.

[Chorus of nays.]

The CHAIRMAN. In the opinion of the Chair, the ayes have it.

Mr. Sensenbrenner?

Mr. SENSENBRENNER. Mr. Chairman, I move that the Committee report the bill H.R. 1756, The Department of Commerce Dismantling Act, as amended, to make technical and conforming amendments, and to prepare the legislative report.

The CHAIRMAN. The Committee has heard the motion. Those in favor will say, aye.

[Chorus of ayes.]

The CHAIRMAN. Those opposed will say, no.

[Chorus of nays.]

The CHAIRMAN. The ayes have it. The motion is agreed to. Without objection, the motion to reconsider is laid upon the table.

Mr. BROWN. Mr. Chairman?

The CHAIRMAN. The gentleman from California.

Mr. BROWN. I ask unanimous consent, or move, whichever is required, that Members have three legislative days to submit supplemental minority or additional views.

The CHAIRMAN. Without objection.

Ms. JOHNSON. Mr. Chairman?

The CHAIRMAN. Go ahead, Ms. Johnson.

Ms. JOHNSON. Mr. Chairman, I was delayed in another Committee in a markup and I returned after the vote had been taken on Congressman Hastings' amendment. I would ask that I be recorded in the record as having—would have voted aye, had I been present. It won't change the result of the vote.

The CHAIRMAN. The gentlelady's remarks have been recorded.

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The Chair wishes to thank the Members for their work on the bill. This concludes our Committee markup on H.R. 1756, The Department of Commerce Dismantling Act.

The Chair declares the Committee adjourned.

[Whereupon, at 4:15 p.m., the meeting of the Committee was adjourned.]

COMMITTEE ON SCIENCE
FULL COMMITTEE MARKUP - SEPTEMBER 14, 1995

AMENDMENT ROSTER

H.R. 1756, DEPARTMENT OF COMMERCE DISMANTLING ACT

--Motion to adopt the Amendment In The Nature Of A Substitute, as amended: adopted by voice vote

--Motion to adopt the bill, H.R. 1756, as amended: adopted by voice vote

--Motion to report the bill, H.R. 1756, as amended: adopted by voice vote

<u>No.</u>	<u>Sponsor</u>	<u>Description</u>	<u>Results</u>
1.	Mr. Walker	Amendment In The Nature Of A Substitute (Markup Vehicle)	--Unanimous Consent requested to adopt the vehicle for the purposes of markup - agreed to.
2.	Mr. Barton	Amendment directs the Administrator of the United States Science & Technology Administration, which will absorb the duties of the Technology Administration, to receive proposals from outside groups	--Adopted by voice vote.
3.	Mr. Davis	Amendment would: (1) direct the Commerce Programs Resolution Agency to submit to Congress legislation to establish the NTIS as a wholly-owned Government corporation; (2) transfer NTIS to the United States Science & Technology Administration	--Adopted by voice vote.
4.	Ms. Harman	Amendment would allow authority to continue to operate the Advanced Technology Program	--Defeated by a roll call vote: Y-15; N-25.
5.	Mr. Boehlert	Amendment would allow authority to continue to operate the Manufacturing Extension Program	--Adopted by a voice vote.

6.	Mr. Wamp	Amendment retains the Federal Laboratory Consortium for Technology Transfer	--Adopted by a voice vote.
7.	Mr. Ehlers	Amendment would direct NOAA's mapping and charting functions to the United States Science & Technology Administration	--Adopted by a voice vote.
8.	Mr. Hastings	Amendment to strike provisions which disallows the weather service to compete with the private sector	--Defeated by a roll call vote: Y-10; N-31.
9.	Mr. Roemer	Technical Amendment	--Unanimous consent requested to offer a technical amendment - agreed to. --Adopted by voice vote.
10.	Mrs. Morella	Amendment strikes Section 310 on Limitation on Annual Expenditures for Continued Functions	--Adopted by voice vote.
11.	Ms. Jackson Lee	Amendment to strike: page 55, beginning at line 20, strike Section 213	--Defeated by a roll call vote: Y-13; N-29.
12.	Ms. Jackson Lee	En bloc amendments: --Page 29, beginning at line 5, strike Section 206; --Page 39, beginning at line 22, strike Section 211.	--Unanimous consent requested to offer amendments en bloc - agreed to. --Defeated by a voice vote.



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